

PLANNING COMMITTEE AGENDA



Wednesday 14th May 2014

at 10.00am

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, Beck, Cook, Cranney, Fisher, Fleet, Griffin, James, A Lilley, G Lilley, Loynes, Martin-Wells, Morris, Robinson, Shields and Sirs

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

3.1 To confirm the minutes of the meeting held on 16th April 2014

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Regeneration)*

- | | | |
|---|-------------|---|
| 1 | H/2014/0165 | 24 Gala Close |
| 2 | H/2013/0450 | The University Hospital of Hartlepool, Holdforth Road |
| 3 | H/2014/0119 | 1 Victoria Road |

5. **ITEMS FOR INFORMATION / DISCUSSION**

- 5.1 Updated Planning Policy Framework Justification May 2014 – *Assistant Director (Regeneration)*
- 5.2 Update on current complaints – *Assistant Director (Regeneration)*
- 5.3 Quarterly update report for Planning Services January-March 2013/2014 – *Assistant Director (Regeneration)*



6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

8. ITEMS REQUIRING DECISION

No items

9. ITEMS FOR INFORMATION / DISCUSSION

9.1 Annual Enforcement Update (paras 5 and 6) – *Assistant Director (Regeneration)*

10.1 ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

16th April 2014

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Kevin Cranney, Keith Fisher,
Mary Fleet, Sheila Griffin, Marjorie James, Geoff Lilley,
Brenda Loynes, Jean Robinson and Linda Shields

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor George Morris

Officers: Damien Wilson, Assistant Director (Regeneration)
Jim Ferguson, Planning Team Leader (DC)
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Sarah Scarr, Landscape Planning and Conservation Manager
Sinead Turnbull, Senior Planning Officer
Jane Tindall, Planning Officer
Kate McCusker, Commercial Solicitor
Jo Stubbs, Democratic Services Officer

125. Apologies for Absence

Apologies were submitted by Councillors Alison Lilley, Ray Martin-Wells and George Morris.

A Councillor queried whether substitutes must come from within a councillor's own party, advice he recalled being given by either the Chief Executive or Chief Solicitor. The Commercial Solicitor indicated under Part 4 Paragraph 5 of the constitution substitutes were not required to be of the same political party. This was reflected in paragraph 25 of the Planning Code of Practice. The current updates being made to the constitution would no longer allow for the use of substitutes on Planning Committee. The Chair asked that the Chief Solicitor write to all members clarifying the situation. A request was also made that a list of all members who had been trained and were therefore eligible to substitute on Planning Committee during the current municipal year be distributed.

126. Declarations of interest by members

Councillor Marjorie James declared a non-prejudicial interest in planning application H/2014/0097 (Rossmere Primary School)

127. Confirmation of the minutes of the meeting held on 1st April 2014

Confirmed

128. Planning Applications *(Director of Regeneration and Neighbourhoods)*

The Chair advised that application H/2013/0585 (Tunstall Court) had been withdrawn from the agenda at the request of the applicant.

Number:	H/2014/0097
Applicant:	Ms Lynne Pauley Rossmere Primary School Catcote Road HARTLEPOOL
Agent:	Hartlepool Borough Council Mr C Bolton Building Consultancy 1 Church Street HARTLEPOOL
Date received:	06/03/2014
Development:	Change of use of caretaker's house to provide meeting rooms in association with the school, provision of vehicle and pedestrian access gates and provision of canopy over existing classrooms to provide covered outside space
Location:	Rossmere Primary School Catcote Road HARTLEPOOL

A Councillor raised concerns that asbestos may be present given the age of the property. The Chair advised that as previously advised that if there was any indication of the presence of asbestos a suitably qualified company would be brought in to dispose of it.

Members supported the application unanimously

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority. In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans Drg No(s) 726/62/2000, 726/62/2001, 726/62L001 and 762/62L002 and details received by the Local Planning Authority on 26 February 2014 and 7 March 2014, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.

Number: H/2014/0067

Applicant: Mr M Westthorp Church Walk HARTLEPOOL

Agent: Mr M Westthorp Hartlepool Conservative Club
Church Walk HARTLEPOOL

Date received: 05/03/2014

Development: Change of use of land to car park, installation of spiral staircase and relocation of garage

Location: Hartlepool Conservative Club Church Walk
HARTLEPOOL

Members supported the proposal unanimously. A member paid tribute to the work carried out by the Landscape Planning and Conservation Manager and her team in making improvements to the area.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Drg No. 110213/a received on 13th February 2014 & Dwg No. 110213/d received on 5th March 2014) and details received by the Local Planning Authority at the time the application was made valid on 5th March 2014 as amended by the plan (Dwg No. 110213/b) received at the Local Planning Authority on 3 April 2014, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
3. Before the development hereby approved is commenced, the boundary to the land incorporated into the car park shall be pegged out on site

- and the exact location agreed in writing by the Local Planning Authority. For the avoidance of doubt.
4. Final details of all boundary enclosures shall be submitted to and approved by the Local Planning Authority before the development commences and shall be carried out in accordance with the approved details. In the interests of visual amenity.
 5. No development shall take place until final details of external surface materials have been submitted to and agreed in writing by the Local Planning Authority. In the interests of visual amenity.
 6. A) No demolition/development shall take place/commence on the car park extension works until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A). C) The car park shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. The site is of archaeological interest.

Number:	H/2014/0068
Applicant:	Mr M Westhorp Church Walk HARTLEPOOL
Agent:	Mr M Westhorp Hartlepool Conservative Club Church Walk HARTLEPOOL
Date received:	05/03/2014
Development:	Listed Building Consent for change of use of land to car park, installation of spiral staircase and relocation of garage
Location:	Hartlepool Conservative Club Church Walk HARTLEPOOL

Members approved the application unanimously.

Decision: Listed Building Consent Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plan (Drg No. 110213/a received on 13th February 2014 & Dwg No. 110213/d received on 5th March 2014), and details received at the Local Planning Authority at the time the application was made valid on 5 March 2014 as amended by the plan (Dwg No. 110213/b) received at the Local Planning Authority on 3 April 2014, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
3. No development shall take place until large scale details of the door at first floor level have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. In the interests of the character and appearance of the listed building.
4. No development shall take place until final details of the spiral staircase, including a methodology for attachment to the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. In the interests of the character and appearance of the listed building.
5. No development shall take place until final details of external surface materials have been submitted to and agreed in writing by the Local Planning Authority. In the interests of the character and appearance of the listed building.
6. Final details of all boundary enclosures shall be submitted to and approved by the Local Planning Authority before the development commences and shall be carried out in accordance with the approved details. In the interests of visual amenity.

Number:	H/2014/0032
Applicant:	Mrs Elaine Ingram 2a Marine Crescent HARTLEPOOL
Agent:	Mrs Elaine Ingram 2a Marine Crescent HARTLEPOOL
Date received:	22/01/2014

Development: Installation of upvc replacement windows and composite front door

Location: 2A MARINE CRESCENT HARTLEPOOL

Some members were unable to see the difference in the architectural drawings submitted by the applicant and felt that photographs would have been preferable. The Planning Team Leader explained that the changes proposed were to replace the existing modern style windows with similar style replacements in UPVC. This was contrary to the agreed policy which required the replacement UPVC windows to be of a traditional style. The Chair reminded members of the Council's policy relating to replacement windows as agreed in 2009.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. It is considered that the replacement windows and doors by reason of their design and style are not considered appropriate. The proposal is contrary to paragraphs 131, 132 and 134 of the NPPF and Policy HE1 of the Hartlepool Local Plan.
2. It is considered that the replacement windows and doors would have a detrimental impact and would detract from the character and appearance of the Headland Conservation Area contrary to policy HE1 of the Hartlepool Local Plan.

129. Appeal at 183 Elwick Road (*Assistant Director (Regeneration)*)

An appeal had been submitted against the decision of the Council to refuse planning permission for the erection of a detached three car garage with granny flat above at 183 Elwick Road. The decision had been made under delegated powers and the appeal would be determined by written representation.

Decision

That Officers be authorised to contest the appeal

130. Appeal at Low Throston House, Netherby Gate (*Assistant Director (Regeneration)*)

Members were advised that the Planning Inspector had turned down the appeal lodged in respect of an enforcement notice in respect of a breach of planning control for the unauthorised siting of a residential unit at Low

Throston House, Netherby Gate. The Inspector had determined that the caravan/residential unit comprised development which required planning permission. However there was no planning permission in place and no permitted rights applied in this instance. The applicant now had 95 days from the date of the decision to remove the unit. The appeal decision was attached.

Decision

That the decision be noted

131. Update on Current Complaints *(Assistant Director (Regeneration))*

Details of 15 ongoing issues currently being investigated were provided for members' attention.

Decision

That the report be noted.

132. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

Members queried the procedure with regards to caravans parking illegally. The Planning Team Leader advised that there were no guidelines specific to the Council other than general legal advice. Planning permission was not needed to park on a driveway however if a caravan was found to be parked on a road or pathway the highways department would take any necessary enforcement action if the vehicle was causing an obstruction or problem. Queries were made regarding the definition of permanence and under what circumstances planning permission was needed for a caravan. A Councillor advised that a caravan policy was currently being formulated by officers.

The meeting concluded at 11:25am.

CHAIR

No: 1
Number: H/2014/0165
Applicant: MR MRS COOK 24 GALA CLOSE HARTLEPOOL TS25 1GA
Agent: MR MRS COOK 24 GALA CLOSE HARTLEPOOL TS25 1GA
Date valid: 07/04/2014
Development: Erection of single storey extension to side and rear of the property and the realignment of side boundary fence including change of use of protected green space to residential curtilage
Location: 24 GALA CLOSE HARTLEPOOL

PURPOSE OF REPORT

1.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

PROPOSAL

1.2 Planning permission is sought for the erection of a single storey rear extension and single storey side extension including realignment of the side boundary fence and change of use of protected green space into residential curtilage.

1.3 The application is being reported to committee as the proposal includes the change of use of Council owned land.

SITE CONTEXT

1.4 The application site relates to a detached property within Gala Close, Seaton Carew a predominately residential area. The site has had permitted development removed due to the possible ingress of gas. Gas protection measures need to be incorporated into the foundations and linked into the main property.

1.5 The proposed rear extension extends from the original rear wall of the property 3m x 4.5m with a height to eaves of 2.4m and 3.4m to its highest point. Current legislation makes provision for extensions to be erected without requiring planning permission up to 4m in projection and less than 4m in height from an original rear wall, however in this instance permitted development has been removed from the property due to the possible ingress of gas requiring a gas membrane to be incorporated into the foundations and linking into the main dwelling.

1.6 The proposed side extension extend 2.5m from the side elevation and extends the full depth of the property (approx 8.8m) with a height to eaves of 2.7m and 3.7m to its highest point. The proposed side extension encroaches into a small area of the

green protected space. The existing side boundary is to be re-aligned to accommodate the proposed side extension.

PUBLICITY

1.7 The application has been advertised by way of site notice and neighbour letters (4). To date, there has been 1 letter of no objection received.

1.8 The period for publicity expires after the meeting.

CONSULTATIONS

1.9 The following consultation replies have been received:

Landscape & Conservation – It is considered that the loss of shrubs and the impact on visual amenity will be low in this instance, therefore no objections are raised.

Estates – It would appear that the application area does include land that is in Council ownership and dedicated POS. As such the owners of the property would have to negotiate and agree terms for the sale and conclude the purchase before they would be in a position to implement any planning permission.

PLANNING POLICY

1.10 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

1.11 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1 – General Environmental Principles
GEP3 – Crime Prevention by Planning and Design
GN3 – Protection of Key Green Spaces
Hsg10 – Residential Extensions

National Policy

1.12 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach

development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 2 – Determination in Accordance with the Development Plan

Paragraph 11 – Determination in Accordance with the Development Plan

Paragraph 12 – Status of the Development Plan

Paragraph 13 – The National Planning Policy framework constitutes guidance

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

1.13 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual amenity, residential amenity and the loss of protected green space.

Principle of Development

1.14 Policy Hsg10 of the adopted Hartlepool Local Plan makes provision for the extension and alteration of dwellings subject to a series of criteria, namely, that works should not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook. Proposals shall be of a size and design and appearance that harmonises with the existing dwelling and should not be obtrusive and adversely affect the character of the streetscene.

1.15 It is not considered that the proposals will significantly impact on the outlook, privacy or general amenity of the occupants of any of the neighbouring properties to a level whereby the Local Planning Authority could sustain a refusal. The proposal is considered to be in accordance with the policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006

1.16 Furthermore, it is considered that given the minor nature of the works the proposal to realign the side boundary and incorporate a small amount of green space into the curtilage of the property is acceptable and will not have a significant impact on the visual amenity of the area or the function of the remainder of the open space.

Impact on the visual amenity of the area

1.17 The existing side boundary is an unusual shape with trees and shrubs along the length of the boundary and extending into the wider space. The existing boundary is

a 2m high brick wall with 2m high timber panels set in at intervals along the length of the side boundary, this form boundary treatment extends along neighbour properties on Gala Close, this is characteristic of the area. The proposed side extension will replace the use of one timber panel, however it is considered given that the extension is to be single storey it is considered that when viewed from the public footpath the appearance will not be out of keeping to the area and is unlikely to have a detrimental impact upon visual amenity.

Loss of protected green space

1.18 In this instance, it is not considered that the partial loss of open space will be significantly detrimental to the general appearance of the area or the streetscene. The space to be lost by way of the proposed realignment of the boundary fence consisted of dense planting in its majority. Therefore it is considered that the space to be lost is not used for any other purpose other than for general visual amenity. The applicant has provided a supporting statement which states that the space is difficult to maintain and the area is a litter trap and dogs frequently foul on it. The proposal is considered to be broadly in accordance with Policy GN3 of the Hartlepool Local Plan. The applicant has outlined in their submission that a planting strip is proposed to be provided along the boundary. It is considered that a conditioned planting scheme will significantly lessen the impact of the works on the open plan nature of the estate and the streetscene in general. Furthermore, an area of open space will still be retained in front of the existing boundary wall and side of the extension. It is considered that the scheme will continue to preserve the open appearance of the estate in general.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.19 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.20 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.21 There are no Section 17 implications.

REASON FOR DECISION

1.22 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. Clarification of permission

2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority. Visual amenity
3. The development hereby permitted shall be carried out in accordance with the details received by the Local Planning Authority on 7 April 2014, as amended by the plans rev A received by the Local Planning Authority on 30 April 2014 unless otherwise agreed in writing by the Local Planning Authority. Avoidance of doubt
4. Before development commences details of appropriate gas protection measures to be incorporated in the construction of the extensions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. To ensure the extension is adequately protected from the ingress of landfill gases.
5. Notwithstanding the submitted plans and information prior to the commencement of development a scheme for planting along the side external boundary adjacent to the open green space shall be submitted to and approved by the Local Planning Authority. Thereafter the approved scheme shall be implemented in the first planting season following completion of the development and thereafter be retained for the lifetime of the development. Visual amenity
6. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted. Visual amenity

BACKGROUND PAPERS

1.23 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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24 GALA CLOSE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:1000
Date : 30/04/13
H/2014/0165

No: 2
Number: H/2013/0450
Applicant: North Tees/ H'pool NHS Trust
Agent: DTZ Katharine Morgan St Pauls House 23 Park Square
 South LEEDS LS1 2ND
Date valid: 11/09/2013
Development: Outline application for residential development comprising
 100 units
Location: The University Hospital of Hartlepool Holdforth Road
 HARTLEPOOL

PURPOSE OF REPORT

2.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

2.2 A valid application was received for outline planning permission for residential development comprising 100 units (H/2009/0374). The application was approved by the Local Planning Authority on 30/09/2010. A Section 106 Agreement for the scheme secured 10% affordable housing, £35,000 towards a toucan crossing, £50 per dwelling for public open space and £5,000 towards bus stop improvements.

2.3 The application is being reported to committee as 9 objections have been received.

PROPOSAL

2.4 Planning permission is sought to extend the time for implementation of extant planning permission (ref: H/2009/0374), which was granted consent 30/09/2010. The original permission was for outline planning permission for residential development comprising 100 units with all matters reserved at land at the University Hospital of Hartlepool. The reserved matters include access, landscaping, appearance, layout and scale.

2.5 The purpose of this outline planning application is to establish the principle of the proposed development.

2.6 The indicative layout submitted in support of the application demonstrates the ability of the site to accommodate 100 residential units. It is envisaged that the site will comprise of a mix of house types. The indicative layout for the site has proposed the following mix of house types, members should be aware that this could be altered at reserved matters stage, however the number of units could not exceed 100.

House type	No. of units
3 bed 2.5 storey semi-detached houses	20
3 bed 2 storey semi-detached houses	18
3 bed 2 storey detached houses	9
2 bed 2 storey semi-detached houses	28
3 bed 3 storey terraced houses	9
2 bed 3 storey terraced apartments	12
2/3 bed semi-detached bungalows	4

2.7 A viability assessment has been submitted with the application setting out the financial viability of the scheme and establishing the availability of £280,000 for the provision of developer contributions.

SITE CONTEXT

2.8 The application site lies to the east of the existing hospital on Holdforth Road. The site has an area of approximately 3.3 ha.

2.9 To the north and east of the site is existing residential development. It is bounded on the west and part of the south by operational hospital buildings. The Hartlepool and District Hospice is on the remaining southern boundary. A strip of land to the southern boundary of the application site is in the ownership of the hospice, it is not proposed to develop this land, it shall be an area of landscaping. This strip of land was part of a larger site recently sold to the hospice to allow for the extension of the hospice.

2.10 The indicative layout submitted in support of the application illustrates an indicative access from Wells Avenue.

PUBLICITY

2.11 The application has been advertised by way of 103 neighbour letters, a site notice and a press notice, 2 letters of do not want to object have been received and 9 objections have been received.

2.12 The concerns raised are:

- Hartlepool needs a hospital, the hospital should not close
- More housing not needed
- Hartlepool needs more schools and hospitals
- Traffic congestion
- There has been no public consultation
- Hartlepool hospice does not object provided there are no temporary or permanent works on land owned by, or land affecting the operation of the hospice.

2.13 The period for publicity has expired.

2.14 Copy letters B

CONSULTATIONS

2.15 The following consultation replies have been received:

HBC Landscape: No objections

HBC Traffic and Transport: Previous comments apply regarding financial contribution towards pedestrian crossing on the A179.

Northumbrian Water: No comments to make

Public Protection: Previous comments on application H/2009/0374 still applicable – No objections subject to a condition requiring the applicant to agree the details of the acoustic barrier with the planning authority.

Environment Agency: No objections, subject to the imposing of conditions in relation to the Flood Risk Assessment and surface water drainage details.

HBC Engineering Consultancy: Previous comments and conditions still applicable in relation to contamination.

HBC Property Service: No comments offered.

PLANNING POLICY

2.16 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

2.17 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
GEP9: Developer's Contributions
Hsg5: Management of Housing Land Supply
Hsg9: New Residential Layout
Rec2: Provision for Play in New Housing Areas
Tra16: Car Parking Standards
Tra20: Travel Plans

National Policy

2.18 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies

for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 14 – Presumption in favour of Sustainable Development

Paragraph 72 – Sufficient Choice of School Places

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

2.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, design and layout, impacts on residential amenity, flooding and drainage, highways, developer obligations and other issues.

Principle of Development

2.20 In terms of national planning policy, the National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. Running throughout the NPPF is a ‘golden thread’ setting out a presumption in favour of sustainable development. The NPPF does not specifically define sustainable development however Paragraph 6 states that the policies contained in paragraphs 18-219 of the NPPF taken as a whole, constitute the Government’s view of what sustainable development means in practice for the planning system. The NPPF goes on to state that there are three dimensions to sustainable development: economic, social and environmental. These aspects should not be taken in isolation, as they are mutually dependent. Therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

2.21 It is considered that the application site is located within a sustainable settlement. National planning policy contained within the NPPF directs new housing to sustainable areas, best able to support it in terms of access to facilities and services and access to good public transport links. The application site is located within the settlement limits for Hartlepool with the application site being in close proximity to services, facilities, and public transport links.

2.22 The development is considered to be acceptable in this location. The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 of the Hartlepool Local Plan and paragraph 14 of the NPPF.

Design and layout

2.23 The site is located in an area characterised predominantly by residential properties. Whilst the site forms part of the existing hospital site, there are residential properties to the north, and east of the site. Matters of design have been reserved, however it is considered that the proposed indicative layout and suggested scales indicate a level of development which would sit comfortably within the site and the surrounding area. It is considered that sufficient amenity space can be provided for each of the dwellings, and each dwelling would have sufficient parking provision. The layout incorporates buffer landscaping to the existing hospital and to the hospice on the southern boundary of the site. In addition a play area is incorporated into the development site.

2.24 It is considered that the principal of residential properties in this location would be appropriate in terms of impacts on visual amenity.

2.25 In terms of sustainability it is considered that renewable energy can be addressed at reserved matters stage through a suitable planning condition.

2.26 The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3, Hsg9, Rec2 of the Hartlepool Local Plan.

Impact on residential amenity

2.27 Proposed residential developments must ensure that the residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved.

2.28 Supplementary Note 4 of the Hartlepool Local Plan specific guidance for minimum separation distances between residential properties. A minimum of 20m should be achieved where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property.

2.29 The indicative layout for the scheme indicates that the level of development proposed could be accommodated on the site without compromising the minimum separation distances as set out in Supplementary Note 4 of the Hartlepool Local Plan.

2.30 In terms of its relationship with neighbouring properties in general the proposals meet or exceed the separation distances recommended in the guidelines of the Hartlepool Local Plan. It is considered that the relationships with the neighbouring properties in terms of light, outlook, privacy and issues of dominance are acceptable.

2.31 In terms of relationships within the site, the indicative layout indicates that the development can meet or exceed the separation distances recommended in the

guidelines of the Hartlepool Local Plan. Similarly it is considered that the relationships between the proposed properties within the site in terms of light, outlook, privacy and issues of dominance are acceptable.

2.32 In terms of noise and disturbance, the indicative layout has indicated that a landscaped buffer strip and acoustic barrier can be provided within the site. The Council's Public Protection Section has raised no objection to the proposal.

2.33 The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 and Hsg9 of the Hartlepool Local Plan.

Flooding and drainage

2.34 Whilst the site is predominately located in an area of low flood risk, a small element is within flood risk zone 3. It is indicated that the site currently discharges surface water to the existing sewerage system. The Flood Risk Assessment (FRA) submitted in support of the original application indicated that no additional surface water flows will be added, indeed flows would be reduced. The impemeable area proposed is 14,000m² compared to the existing 24,500m². The Environment Agency have raised no objections to this application subject to the imposing of conditions in relation to the construction of the development being in accordance with the Flood Risk Assessment submitted with planning application H/2009/0374 and the submission of surface water drainage details. Northumbrian Water have raised no objections to the proposed scheme.

Highways

2.35 The Council's Traffic and Transport Section have been consulted and raise no objections to the scheme subject to a developer contribution for the payment of £35,000 towards a toucan crossing adjacent to the site.

2.36 A travel plan was submitted with the original planning application, this plan remains unchanged.

2.37 As the application is in outline with all matters reserved it is considered that the final details of estate roads, parking and access can be addressed at the reserved matters stage. An indicative layout has been submitted demonstrating that the site can accommodate 100 dwellings.

2.38 The proposal is considered to be acceptable in terms of highway safety in accordance with policies GEP1, Tra1 and Tra20 of the Hartlepool Local Plan.

Viability

2.39 A viability assessment has been submitted by the applicant's agent demonstrating the viability of the scheme in relation to providing developer obligations. The information submitted concludes that there is a sum of £280,000 available for developer contributions. Officers have ranked the contributions in order of importance to make the development acceptable in planning terms a key test of Regulation 122 of the Community Infrastructure Levy Regulations 2010. The

financial viability of the scheme does not allow for affordable housing, however it is considered that highways, education and play/open space contributions are of greater need in the area. In particular primary school places are under significant pressure in the locality.

Developer Obligations

2.40 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The guidance contained in the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that a planning obligation must only constitute a reason for granting planning permission for a development if the obligation meets all of the following tests:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

2.41 A Section 106 Agreement is proposed to provide a contribution of £250 per dwelling for green infrastructure, £250 per dwelling for play provision and £250 per dwelling for built sports facilities, equating to a total sum of £75000. A Highways improvement contribution of £35,000 towards a crossing on the A179 and a sum of £170,000 towards education provision to be directed toward primary school places in the area.

2.42 The developer contributions do not provide any on site or off site affordable housing, provision it is considered that there is a greater need for highways improvements, education provision and contributions towards play provision, built sports and green infrastructure.

2.43 On balance officers consider that the proposed distribution of the £280,000 to be acceptable.

2.44 In terms of the proposed commuted sum payments they are required to provide adequate amenity space for the scale of development. The proposal would create a demand for additional school places and would require improvements to the highway. It is considered that the payment is set at such a level that it is fair and reasonable in relation to the development. The commuted sum payments would be in accordance with policy GEP9 of the Hartlepool Local Plan.

2.45 The Section 106 contributions meet the above tests and therefore comply with the relevant guidance.

Other issues

2.46 Objections to the development state that the hospital should be retained and more housing is not required. The application presented is what must be considered. Members may recall that the new hospital at Wynyard was recently approved at Planning Committee subject to the completion of a legal agreement. One objector has stated that there was no public consultation, the application has

been advertised by site notice, neighbour notification and in the press, it is considered that the Local Planning Authority have carried out their duty to consult.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.47 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.48 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.49 There are no Section 17 implications.

REASON FOR DECISION

2.50 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to entering into a Section 106 agreement to secure £280,000 in financial contributions towards green infrastructure, play, built sports facilities, highway improvements and educational facilities and subject to conditions set out below :

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved. To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. To ensure a satisfactory form of development.
3. Prior to the commencement of the development hereby approved, a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied. In the interests of security.
4. The development shall be carried out in accordance with the following:
 1. Site Characterisation The development hereby permitted shall not be commenced until a Phase II Site Investigation is carried out. The Site Investigation must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates

on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a) human health, b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c) adjoining land, d) groundwaters and surface waters. Should piled foundations be considered as part of the geotechnical design, then an assessment of the potential risks to controlled waters must be addressed. e) ecological systems, f) archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation

objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP1 of the adopted Local Plan (2006).

5. If as a result of the investigations required by the condition(s) above (condition 4), landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To enable the Local Planning Authority to exercise control to ensure land fill gas protection measures.
6. The development hereby approved shall not commence until replacement car parking facilities at least equivalent to those formerly used on the application site have been constructed and brought in to use in accordance with a scheme to be first submitted and approved in writing by the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Faber Maunsell, ref: HH FRA v2, dated January 2009 submitted with the original planning application (H/2009/0374), and the following mitigation measures detailed within the FRA: 1. No ground raising or loss of flood plain storage within that part of the site shown to be PPS25 Zone 3.2. Floor levels to be a minimum of 150mm above site ground level. To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that existing storage of flood water is maintained.
8. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers.
9. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, final details of the proposed acoustic barrier to the western and southern boundaries of the application site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed details which thereafter shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. In the interests of the amenities of the occupiers of the proposed dwellings.

10. The outline permission hereby granted shall relate to the provision of not more than 100 dwellings. For the avoidance of doubt.
11. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. To encourage sustainable development.
12. Prior to the commencement of the development, details of a wheel-washing facility within the site shall be submitted and approved in writing by the Local Planning Authority. The approved facility shall be installed before the use of the site commences and shall thereafter remain operational and be available for its intended use at all times during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties.
13. The development hereby permitted shall be carried out in accordance with the plans and details received in relation to planning application H/2009/0374 received by the Local Planning Authority on 23 07 2009 (Site location plan). For the avoidance of doubt.
14. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of:-

Monday to Friday (08:00 to 18:00)
Saturday (08:00 to 14:00)

No construction works shall be carried out on Bank Holidays and Sundays
In the interests of residential amenity.

BACKGROUND PAPERS

2.51 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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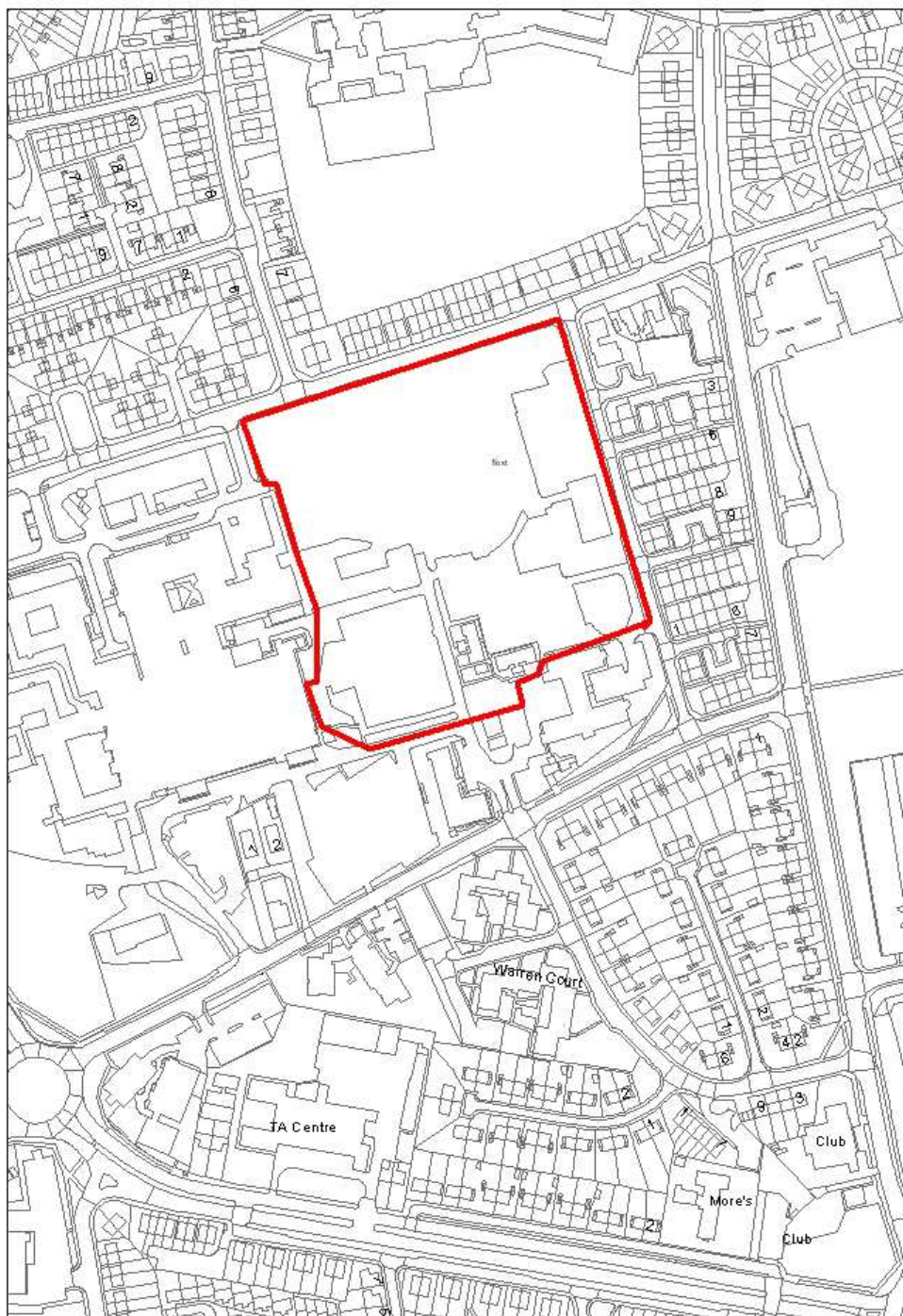
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UNIVERSITY HOSPITAL OF HARTLEPOOL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:3000
Date : 30/04/13
H/2013/0450

No: 3
Number: H/2014/0119

Applicant: Mr Mike Cuthbert c/o Agent
Agent: Prism Planning Ltd Mr Steve Barker Prism Planning 1st Floor 11 High Row DARLINGTON DL3 7QQ
Date valid: 07/03/2014
Development: Variation of condition 3 of H/2013/0391 to extend opening hours to 4.30am Friday, Saturday, Sunday and Bank Holidays and 2am Monday-Thursday
Location: 1 Victoria Road HARTLEPOOL

PURPOSE OF REPORT

3.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

3.2 The site has a history of recent consents where planning conditions have restricted the late night opening of the premises.

3.3 H/2010/0590 Change of use for ground floor to 2 no. units for use as newsagents/off licence and fish bar and alterations to external doors. Condition 5 stipulates that the café/restaurant/takeaway shall open between the hours of 11am and midnight any day of the week. Planning permission was granted in 2010 for a fish bar, which consists of an A3 café and A5 fish shop which operates to the rear of the property and an A1 newsagent which operated to the front of the property. The restaurant (A3) and fish shop (A5) had permission to operate between the hours of 11.00 to midnight, the newsagents (A1) had permission to operate between the hours of 7.30- 22.00.

3.4 H/2013/0391 Change of use of ground floor to Class A3/A5 hot food takeaway and cafe/restaurant (retrospective application) including change of opening hours. Planning permission was granted for the change of use, but a condition was attached stipulating that the business shall not be open to the public outside the hours of 07:00 to midnight on Mondays to Saturdays inclusive and 10:00 to midnight Sundays and bank holidays.

3.5 There have also been a number of relevant appeals in the area where applicants have sought to extend opening hours into the early hours.

3.6 Appeal APP/H0724/A/10/2125995, linked to planning application H/2009/0710, at 93 York Road, for the use of premises as a takeaway (A5 Use) operating between the hours of: Sunday to Wednesday 8.00 - 24 hrs and Thursday, Friday & Saturday

8.00 - 3.00 hrs. The appeal was dismissed due to the likelihood that extending the hours would cause an unacceptable level of disturbance to the living conditions of residents within the area.

3.7 Appeal APP/H0724/A/12/2188722, linked to planning application H/2012/0442, at 180 York Road, for the variation of condition No. 2 of planning application H/FUL/0557/00 to allow opening until 2am 7 days per week. The appeal was dismissed as the inspector considered that there is a risk of disturbance to local residents associated with the noise of customers visiting the units on York Road by car or by foot.

PROPOSAL

3.5 Planning permission is sought for a variation of condition three of H/2013/0391 to extend the opening hours of the premises to 4.30am Friday, Saturday, Sunday and Bank Holidays and 2am Monday-Thursday.

SITE CONTEXT

3.6 The application site is a cafe/restaurant/takeaway located within the defined Town Centre and in particular the Primary shopping area. The Primary shopping area is essentially made up of the Middleton Grange Shopping Centre and elements along Victoria Road, York Road and Park Road. The property is located on the corner of Victoria Road and Avenue Road, adjacent to Victory Square which contains the War Memorial which is a Grade II Listed Building.

PUBLICITY

3.7 The application has been advertised by way of site notice and neighbour letters. No representations have been received.

The period for publicity has expired.

CONSULTATIONS

3.8 The following consultation replies have been received:

Public Protection: I would have no objections to this application. We have a licence application in for 2:00am which is on hold pending the planning decision.

PLANNING POLICY

3.9 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Planning Policy

3.10 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government

requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PARA 17: Core principles

PARA 18 to 22 : Building a strong & competitive economy.

PARA 23 to 27 : Ensuring the vitality & viability of town centres

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

PARA 211, 214, 215 : Policies in extant plans

Local Policy

3.11 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Com1: Development of the Town Centre

Com12: Food and Drink

Com2: Primary Shopping Area

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

Rec13: Late Night Uses

PLANNING CONSIDERATIONS

3.12 The main planning considerations are considered to be policy and the impact of the proposal on the amenity of surrounding properties, particularly residential properties.

3.13 The Hartlepool Local Plan (2006) identifies the site as forming part of the defined town centre under policy Com 1. Policy Com2 indicates that proposals for food and drink will only be approved where:

- They do not impact on the retail function of the primary shopping area;
- They do not adversely affect the character and amenity of the surrounding area;

- They accord with policies Rec13 and Com12.

3.14 Policy Com12 states that proposals for food and drink uses will only be permitted where:

- There will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter;
- They will not lead to traffic congestion or otherwise adversely affect highway safety;
- There is no adverse effect on the character, appearance and function of the surrounding area.

3.15 Policy Rec13 states that uses which will operate between midnight and 7am will only be permitted in the Church Street and Marina area.

3.16 Having regard to the policies above it is considered that the proposed hours would not comply with policies Com2, Com12 and Rec13 of the adopted Local Plan. The paragraphs below set out the factors that have been taken into account when coming to the above conclusions.

3.17 The current Local Plan policies advise that late night uses (after midnight) will only be supported in the Church Street/Marina area. The purpose of this is to prevent noise and disturbance occurring beyond the hours of midnight, when residents would most expect peace and quiet, infiltrating into immediate residential properties and the surrounding residential areas. The police have previously advised that late night hot food takeaways have the potential to increase the risk of incidents of crime and disorder as a result of more customers using and leaving the premises under the influence of alcohol which could result in increased demands on the Police resources.

3.18 The application site lies in close proximity to numerous residential properties including those above commercial properties. The property is located outside the area identified as the late night opening zone in the Hartlepool Local Plan 2006. Policy Com12 states that *“proposals for food and drink uses will only be permitted where: There will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter;”*

3.19 To ensure that the use of the business complies with the above mentioned policies and in particular elements that seek to protect residential amenity, it was necessary to condition the hours of use so that the premises can not operate between the hours of midnight and 7am.

3.20 The applicant has been advised that the proposed opening hours are not acceptable within this location. The applicant has submitted information regarding numerous properties that have licensing permission to operate beyond midnight. Research has been undertaken to cross reference the licensing hours of properties within the vicinity and the permitted operational hours under planning legislation. It is acknowledged that there are a number of businesses that operate without planning restrictions on the operating hours and have licensing permission to operate beyond midnight. Such businesses operate with long standing permissions and for many reasons operational hours were not conditioned at the time. Other properties within

the area may be operating beyond midnight without permission and those properties are currently being investigated by the Council's enforcement team.

3.21 Notwithstanding the licensing hours permissible within the area it is imperative to note that the Licensing regime is a separate regime to the Town and Country Planning regime and Planning Services are not bound by the decisions made within the Licensing regime. Planning Services have submitted an objection to the recent Licensing application, as set out below:

“Planning Services have particular concerns with regard to activities that involve the serving of alcohol or can be seen as a complementary service to those who may have consumed alcohol. It is considered that many patrons of the boroughs pubs and clubs often frequent the A5 take a-ways once they vacate the pub/club.

Planning Services are aware that in many instances those who frequent the pubs and clubs and then take a-ways can linger on the streets for longer periods and in lingering as opposed to going straight home there is the potential for crime and disorder to occur which could occur in the town centre directly or on the residential streets surrounding the town centre.

Planning Services are of the opinion that in allowing the premises to operate beyond midnight further crime and disorder could occur adding to the problems that already exist within the Victoria Road and York Road area and that adding a further late night use would cumulatively have a detrimental impact upon the residential amenity of surrounding residents.”

3.22 Planning Services have a responsibility to protect and maintain the amenity of existing residents and any future residents of the borough and in ensuring amenity is protected the council seek to restrict the hours of operation within many parts of the borough including the town centre area. There are no residential flats above the immediate properties along Victoria Road, however many could be converted to living quartets without the requirement for planning permission. A pragmatic view must be taken that at some point the rooms above the host property and surrounding properties including a large office block (B1) could provide living accommodation and thus it is necessary to protect the amenity of any future residents. Notwithstanding the implications on any future residents it is noted that there are many residential properties within a 5 -10 minute walk from the site. It is considered that users of the takeaway could infiltrate into the surrounding residential areas causing disturbance at a time when residents would most expect peace and quiet.

3.23 There are many business operating within the area and wider Town Centre that do have restrictions on opening hours. In recent years Inspectors decisions and decisions on planning applications, have acknowledged the sensitivity of areas where commercial uses give way to residential areas, and have consistently maintained a midnight time limit on opening hours in relation to takeaway and restaurant premises in such areas. The recommendation seeks to maintain this position on directing late night uses to the Church Street/Marina area.

Conclusion

3.24 It is considered that the proposed opening hours into the early morning would have a detrimental impact upon residential properties by reason of nuisance caused by noise and general disturbance in the early hours of morning.

3.25 If the condition is not upheld then further proposals may come forward, from other nearby premises which have been subject to the same restriction on operational hours. Such applications would then be difficult to resist and could thus lead to the further detriment of the amenity of neighbouring residents.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.26 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.27 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. This means that all policies, strategies and service delivery need to consider the likely impact on crime and disorder.

3.28 There is a possibility that if the business is permitted to operate beyond the stipulated hours, crime and disorder could become more frequent given the possibility of additional premises being open for which those who are under the influence of alcohol could loiter and then disperse from.

REASON FOR DECISION

3.29 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION - REFUSE

1. The application site lies in close proximity to residential properties and is outside the area identified as the late night opening zone in the Hartlepool Local Plan 2006 and the emerging Hartlepool Local Plan 2012. It is considered that the proposed extension of opening hours would have a detrimental impact on the living conditions of the occupiers of residential properties in the area by reason of nuisance caused by noise and general disturbance in the early hours of the morning. The proposal would be contrary to policies GEP1, Com2, Com12 and Rec13 of the adopted Hartlepool Local Plan.

BACKGROUND PAPERS

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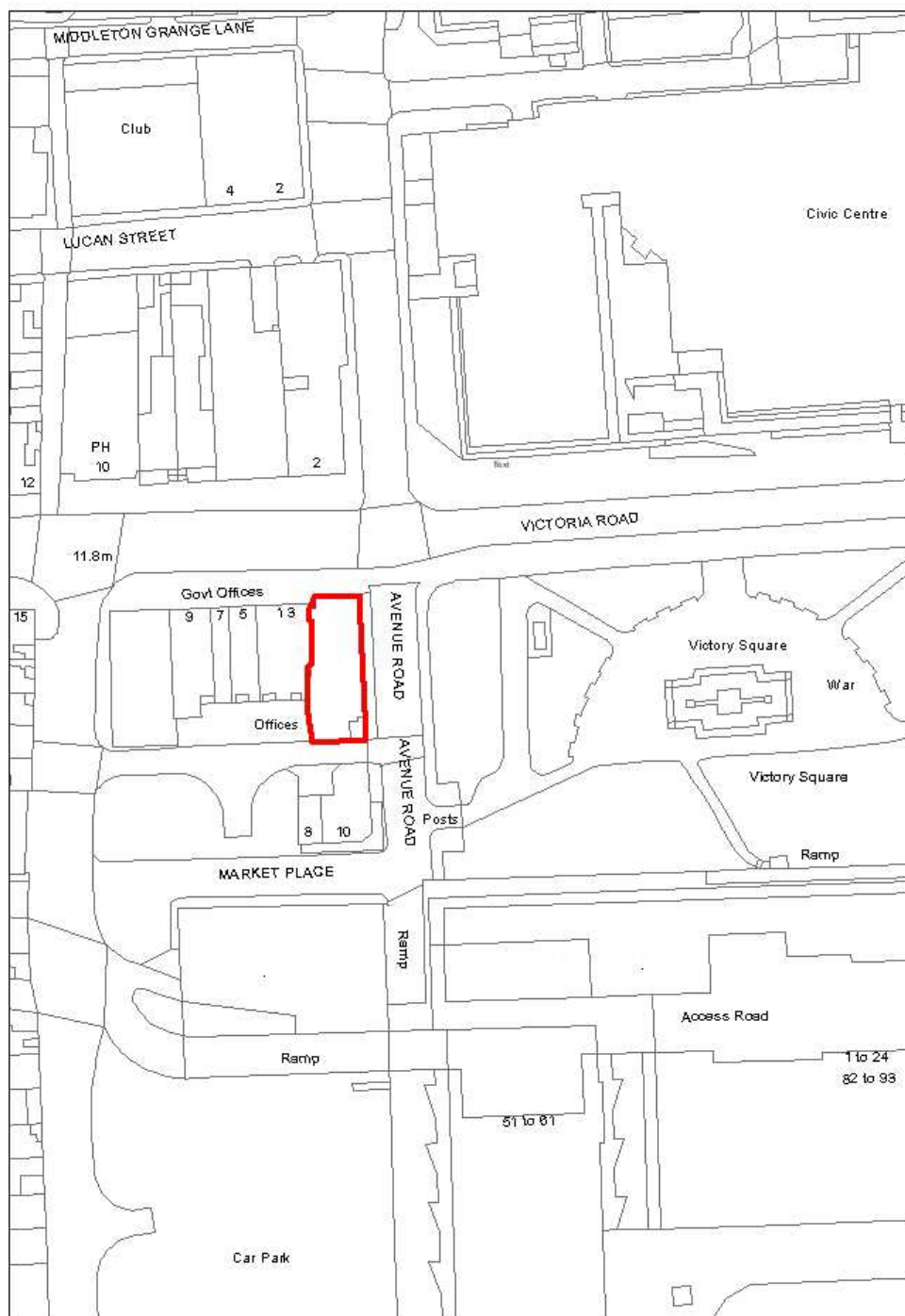
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1 VICTORIA ROAD



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 Department of Regeneration and Planning

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Scale: 1:1000
Date : 01/05/14
H/2014/0119

POLICY NOTE

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

ADOPTED HARTLEPOOL LOCAL PLAN 2006

GEP1 (General Environmental Principles) - States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2 (Access for All) - States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3 (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP9 (Developer Contribution's) States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

Com1 (Development of the Town Centre) - States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com2 (Primary Shopping Area) - States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window

frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

Com12 (Food and Drink) - States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

GN3 (Protection of Key Green Space Areas) - Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

Hsg5 (Management of Housing Land Supply) - A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9 (New Residential Layout – Design and Other Requirements) - Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Hsg10 (Residential Extensions) - Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Tra16 (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra20 (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Rec2 (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rec13 (Late Night Uses) - States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

13. The National Planning Policy Framework is a material consideration in determining applications.

14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

17: within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

Therefore significant weight should be placed on the need to support economic growth through the planning system.

20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
- plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
- facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;

- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

25. The sequential approach set out in paragraph 24 should not be applied to applications for small scale rural offices or other small scale rural development.

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years

from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

211. For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.

214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004³⁹ even if there is a limited degree of conflict with this Framework.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

197: In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

PLANNING COMMITTEE

14th May 2014



Report of: Assistant Director (Regeneration)

Subject: UPDATED PLANNING POLICY FRAMEWORK
JUSTIFICATION MAY 2014

1. TYPE OF DECISION/APPLICABLE CATEGORY

This report is for information.

2. PURPOSE OF REPORT

- 2.1 To update the Planning Committee on the significant change to the five year land supply situation in the Borough. A copy of the updated Planning Policy Framework Justification May 2014 is attached as **Appendix 1**.

3. BACKGROUND

- 3.1 This information is presented in an update to the Planning Policy Framework Justification November 2013 and is based on recently updated supporting evidence. The November Planning Policy Framework Justification was approved by the Regeneration Services Committee on 5th December 2013.
- 3.2 The Planning Services Team produced this document to highlight policies in the adopted local plan and whether they comply with the NPPF. This document has been used since its approval to support the determination of planning applications.
- 3.3 The document also stated that the Council could not demonstrate a 5 year housing land supply and therefore all policies relating to the supply of housing are considered to be out of date. This in effect meant that the NPPF 'presumption in favour of sustainable development' potentially allows housing to be progressed in areas which otherwise may not have been deemed as acceptable, for instance those outside of development limits.
- 3.4 Planning Officers have recently reviewed the 5 year land supply following the end of year housing monitoring (2013-2014) and have taken into

consideration planning permissions that have been granted since December 2013. In the last financial year alone the council has granted permission for 1,347 new dwellings. This new information will form part of the emerging evidence base for the new Local Plan. The 5 year land supply has been recalculated and has **significantly improved from the 3.5 year supply reported in the November 2013 document.**

4. UPDATED PLANNING POLICY FRAMEWORK JUSTIFICATION MAY 2014

- 4.1 This update to the November 2013 document only makes factual changes regarding the recent publication of Planning Practice Guidance (April 2014) and critically updates section 4 (pages 7-12) of the document regarding the 5 year land supply. The rest of the document is unchanged as the information is still considered to be up to date and robust.
- 4.2 The five year land supply has **significantly improved since November 2013 and Hartlepool now has a 4.6 year supply of deliverable housing sites. (May 2014)**

5. EQUALITY AND DIVERSITY CONSIDERATIONS

- 5.1 There are no equality or diversity implications.

6. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 6.1 There are no Section 17 Implications.

7. RECOMMENDATIONS

- 7.1 That the Planning Committee notes the content of the report.

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Saved Policies 2006 Hartlepool Local Plan

Planning Policy Framework Justification

May 2014



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1. INTRODUCTION

- 1.1 The purpose of this document is to demonstrate the current planning policy framework with regard to making decisions on planning applications currently and in the future.
- 1.2 This document should be used by all relevant parties to gain an understanding of the current planning policy situation for Hartlepool in which saved policies in the Adopted 2006 Local Plan, the National Planning Policy Framework, National Planning Practice Guidance and other material considerations should be used to make decisions with specific regard to determining planning applications in the future.

2. BACKGROUND

- 2.1 The reason for this statement arises from a series of events which took place since 2008. They are illustrated in the subsequent paragraphs below.

2006 Local Plan

- 2.2 The 2006 Local Plan was prepared in order to replace the then existing 1994 Local Plan. The 2006 Local Plan identified strategic land allocations to meet the demand and needs for new and existing housing, employment, retail, leisure etc and sought to guide and control development in the borough up to 2016. The 2006 Local Plan was prepared in accordance with the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 and not the Town and Country Planning (Regional Planning) (England) Regulations 2004.

Saved Policies of the 2006 Local Plan

- 2.3 Under the Planning and Compulsory Purchase Act 2004, unless expressly replaced by a `new` policy, `old` policies of an adopted Local Plan were automatically saved for three years from the date the Local Plan was adopted. On 13th April 2009 the Council saved the vast majority of the policies included in the 2006 Local Plan as they were assessed as being relevant and did not repeat national planning guidance at the time. The saved policies of the 2006 Local Plan were subsequently used as a basis alongside national planning policy to determine planning applications.

2013 Local Plan

- 2.4 The Council started the preliminary work of preparing a new Local Plan in January 2007 by starting to assemble an evidence base. In October 2007 The Council published an Issues & Options document and moved to Preferred Options in January 2010. A further Preferred Options document was produced in April 2010 before a Publication document was produced in February 2012.

- 2.5 At Publication stage the Council started to implement certain policies contained in the 2013 Local Plan where they held significantly more weight than existing policies in the 2006 Local Plan and/or the 2006 Local Plan was silent on the issue; including issues such as affordable housing and renewable energy provision.

- 2.6 The Local Plan was submitted to the Secretary of State in June 2012 and subject to public Hearings in January 2013 running to September 2013. The public hearings resulted in a situation where the Planning Inspector found the Local Plan sound subject to modifications.

- 2.7 At a meeting held on 17th October 2013 the Council resolved to withdraw the Local Plan under Section 22(1) of the Planning and Compulsory Purchase Act, 2004, as amended by Schedule 25 Part 17 of the Localism Act, 2011. The Council also resolved to cease to make any documents relating to the withdrawn Local Plan available.

The Current Situation

- 2.8 The withdrawal of the 2013 Local Plan placed the Council in a situation where the planning policy framework consists of saved 2006 Local Plan policies which are consistent with national policy, the guidance contained in the National Planning Policy Framework and other material considerations.

3. NATIONAL PLANNING POLICY FRAMEWORK & GUIDANCE

- 3.1 The National Planning Policy Framework (NPPF) was published in March 2012 along with the Planning Policy for Traveller Sites. It is a key element of the Government's reforms to make the planning system less complex and more accessible, by combining the majority of existing guidance within one overarching document. It replaced all Planning Policy Statements (PPSs), Planning Policy Guidance (PPGs) and Circulars, with the exception of PPS10 (Waste). Whilst the NPPF does not affect the status of development plans as the starting point for considering planning applications, local authorities have been encouraged to review existing Local Plans and other planning documents to ensure that they have a high level of consistency with the NPPF.
- 3.2 From the date of its publication, the policies contained in the NPPF have been a material consideration that local authorities need to take into account when making development decisions, and in the preparation of local planning documents. To allow for a period of transition, Councils can give weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with the NPPF. Published alongside the NPPF is the National Planning Practice Guidance (NPPG) which gives further clarity to the policies and considerations contained in the NPPF. The NPPG is a material consideration along side the NPPF when making development decisions.
- 3.3 With regard to this NPPF paragraph 214 states:
- “For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004* (*In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan) even if there is a limited degree of conflict with this Framework.”*
- 3.4 As previously stated in section 2, the 2006 Local Plan was prepared in accordance with the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 and not the Town and Country Planning (Regional Planning) (England) Regulations 2004. As a result the Council cannot give full weight to the saved policies in the 2006 Local Plan.
- 3.5 However NPPF paragraph 215 goes further to state:
- “In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 3.6 The Council's current situation therefore falls into the “in other cases” category. Paragraph 215 states that “due weight” should be given to “relevant” policies in existing plans according to their degree of consistency with the NPPF. Paragraph 215 offers a mechanism whereby the 2006 Local Plan can still be given due weight dependant upon the consistency of the policies with the NPPF.
- 3.7 Section 5 of this document demonstrates the 2006 Local Plan saved policies consistency with the NPPF bearing in mind the current situation in the borough.

3.8 NPPF paragraph 196 further states:

“The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions”

- 3.9 Bearing in mind NPPF paragraph 196 it is considered that other material considerations can be taken into account alongside relevant policies in the development plan (2006 Local Plan) and the NPPF. Taking this into consideration, the borough has specific policy areas where the 2006 Local Plan is silent and/or the relevant policies are out-of-date. These other material considerations, as illustrated in section 4, should be given due weight in decision making; with specific regard to determining planning applications.

4. SPECIFIC MATERIAL CONSIDERATIONS

- 4.1 The borough has specific policy areas where the 2006 Local Plan is silent and/or the relevant policies are out-of-date and the NPPF delegates the decision making to the development plan. The policy areas are set out below:

- Demonstrating a 5 Year Supply of Deliverable Housing Sites
- Affordable Housing
- Renewable Energy

These other material considerations should be given due weight in decision making; with specific regard to determining planning applications.

Demonstrating a 5 Year Land Supply of Deliverable Housing Sites

- 4.2 The Council cannot effectively demonstrate a 5 year supply of deliverable housing sites. This is a crucial consideration in establishing the future planning framework to be used in decision making, with particular regard to determining planning applications. The following paragraphs outline the Councils position with regard to the 5 year supply of deliverable housing sites.
- 4.3 The NPPF places great importance in the delivery of a wide choice of high quality homes. NPPF paragraph 47 states:

“To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;”*

- 4.4 NPPF paragraph 48 states:

“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.”

- 4.5 Bearing in mind paragraphs 47 and 48 the Council has a requirement to identify a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. As discussed in section 2, the Council submitted to the Secretary of State in June 2012 its new Local Plan and it was subject to public Hearings in January 2013 running to September 2013. The public hearings resulted in a situation where the Planning Inspector found the Local Plan sound subject to modifications.
- 4.6 As the Local Plan was withdrawn prior to adoption any policies contained in the plan are deemed to hold no weight, this includes any housing allocations contained in the Local Plan. As a result no housing allocations contained in the withdrawn Local Plan are to be included in the 5 year supply demonstration.
- 4.7 The former emerging Local Plan sought to meet a housing need established in the evidence base document "*Future Housing Provision in the Borough for the Next 15 Years*" which was published in April 2013 and as a result was not part of the actual Local Plan. Whilst the Local Plan was withdrawn the evidence behind the Local Plan was not withdrawn and is still robust and a material consideration. The "*Future Housing Provision in the Borough for the Next 15 Years*" document is a source of evidence independent of the Local Plan as a result this holds significant weight in assessing what the housing needs are over the next 15 years in the absence of an up to date Local Plan which includes appropriate housing provision.
- 4.8 In suggesting modifications to the withdrawn Local Plan, the Planning Inspector sought to assemble housing sites to broadly accord with the quantum of development proposed in the "*Future Housing Provision in the Borough for the Next 15 Years*" document. The document identified a future housing need in the borough over the next 15 years for approximately 4,800 net additional dwellings equating to an average net additional dwelling requirement of 320.
- 4.9 The "*Future Housing Provision in the Borough for the Next 15 Years*" document has been updated in May 2014 to reflect the changes in completions and demolitions that have taken place since April 2013 base date. The updated document can be downloaded from the Council's website and should be read as a companion piece to this report. The broad findings and crucially the net additional dwelling target of 4,800 over 15 years is unchanged.
- 4.10 As a result the Council are satisfied that the 4,800 net additional dwellings equating to an average net additional dwelling requirement of 320 over 15 years is a robust and appropriate requirement. This is essentially the standard housing requirement scenario.
- 4.11 In accordance with NPPF paragraph 47 the Council accepts that there has been a record of persistent under delivery of housing. As a result there is a requirement to increase the provision over the first 5 years by an additional 20% (moved forward from later in the plan period). This is scenario 2 and is the housing requirement against which the Council is seeking to demonstrate a 5 year supply of deliverable housing sites. Table 1 illustrates the requirement scenarios.

Table 1: Housing Requirement Scenarios

	1st 5 years	2nd 5 Years	3rd 5 Years	Total
Scenario 1 Standard	320 Annual 1,600 Total	320 Annual 1,600 Total	320 Annual 1,600 Total	4,800
Scenario 2 20% Frontloaded	384 Annual 1,920 Total	288 Annual 1,440 Total	288 Annual 1,440 Total	4,800

- 4.12 Scenario 2 is the most robust and appropriate housing requirement against which the Council will demonstrate the 5 year supply of deliverable sites.
- 4.13 In identifying sites that contribute towards meeting a 1st 5 year supply the Council has only included deliverable (meeting the definition in NPPF footnote 11) housing sites in the borough which already benefit from a residential planning permission including those where development has commenced but with further dwellings still to complete on-site. No other sites have been included; only sites which benefit from planning permission. Notwithstanding this some sites which benefit planning permission have subsequently not been included in the 1st 5 years as they have specific delivery problems with:
- Physical site constraints
 - Low demand housing offer planned (including flats)
 - Economically unviable in current housing market conditions

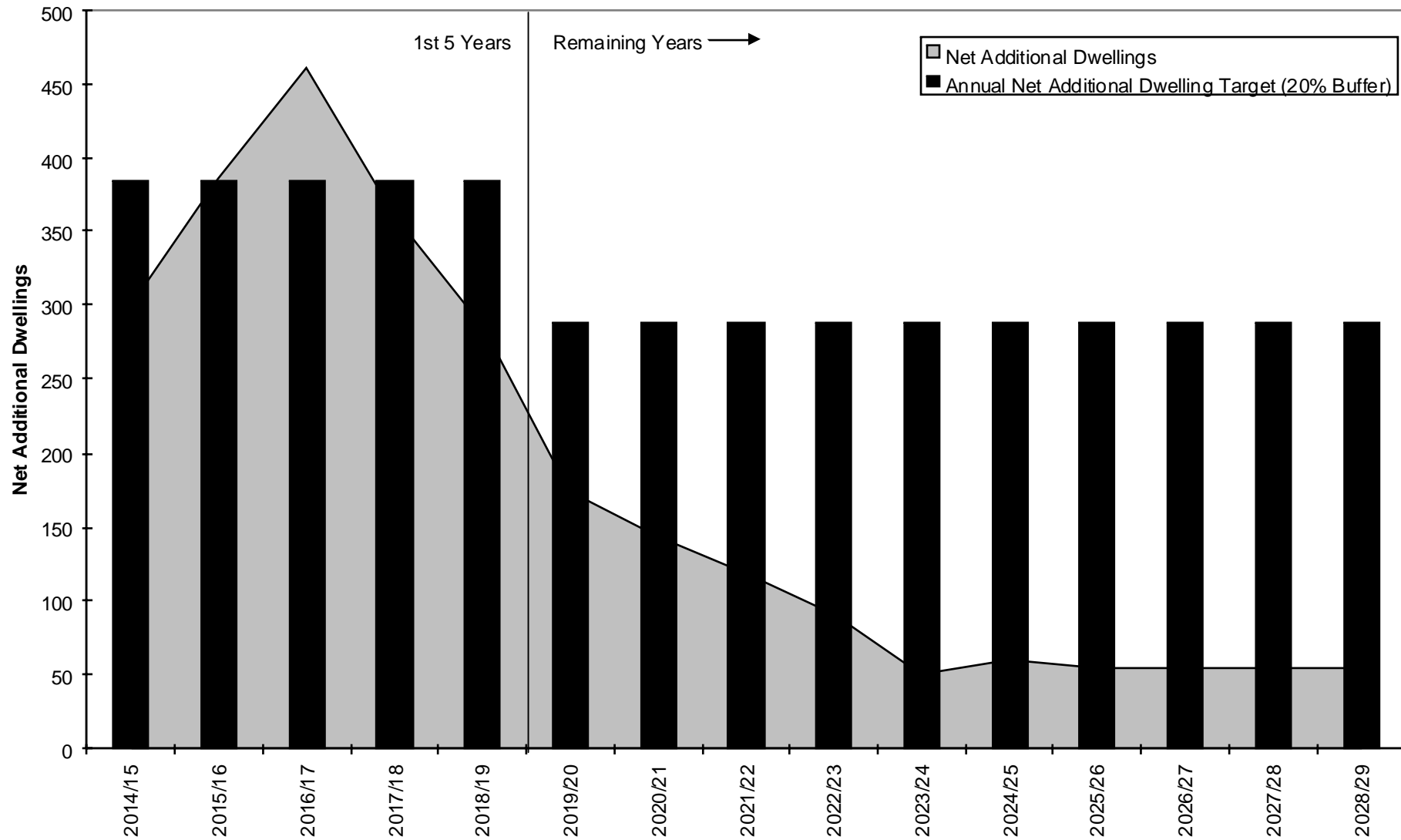
Where sites with planning permission have not be included in the 1st 5 years due to issues with regard to deliverability they have been discounted or identified for development in the 2nd and 3rd 5 year periods, when it is more likely that development could occur.

- 4.14 As the new Local Plan was withdrawn no strategic sites outside of current development limits (such as the South West Extension) can be included in the identified supply.
- 4.15 Table 2 and graph 1 summarise all of the sites which contribute towards the 5 year supply.

Table 2: Summary of Demonstrating a 5 Year Supply of Deliverable Housing Sites

Housing Provision Source	Remaining	2014/15 Completed	2014/15 Remaining	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
Extant Planning Permissions	3194	37	354	495	501	385	311	200	169	144	116	76	86	80	80	80	80	3194
Total Gross Delivery	3194		391	495	501	385	311	200	169	144	116	76	86	80	80	80	80	3194
Projected Demolitions	-540		-90	-110	-40	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25	-540
Total Net Delivery	2654		301	385	461	360	286	175	144	119	91	51	61	55	55	55	55	2654
Scenario 1 Net Additional Dwelling Provision Requirement			320	320	320	320	320	320	320	320	320	320	320	320	320	320	320	4800
Accordance			-19	65	141	40	-34	-145	-176	-201	-229	-269	-259	-265	-265	-265	-265	-2225
5 Year Accordance			+193				-1020				-1319							-2146
Scenario 2 Net Additional Dwelling Provision Requirement			384	384	384	384	384	288	288	288	288	288	288	288	288	288	288	4800
Accordance			-83	1	77	-24	-98	-113	-144	-169	-197	-237	-227	-233	-233	-233	-233	-83
5 Year Accordance			-127				-860				-1159							-2146

Graph 1: Current Housing Trajectory



APPENDIX 1

- 4.15 Table 2 and graph 1 reveals a situation where the Council cannot demonstrate a 5 year supply of deliverable housing sites to meet the housing requirement over the next 5, 10 and 15 years (scenario 2) when considering the projected gross housing delivery and the projected demolitions in the borough. Currently the Council is approximately 127 dwellings short of demonstrating a 5 year supply, which equates to a 4.6 year supply of deliverable housing sites.
- 4.16 It must be appreciated that the 5 year land supply situation has significantly improved since the last report in November 2013. In November 2013 the Council was approximately 587 dwellings short of demonstrating a 5 year supply, which equated to a 3.5 year supply of deliverable housing sites. In the year 2013/14 the Borough Council granted permission for 1,347 additional dwellings. This significant uplift in planning permissions, in greenfield, desirable and deliverable locations has significantly boosted the potential supply of housing in the Borough in the short to medium term.
- 4.17 With specific regard to the Council not being able to demonstrate a 5 year supply of deliverable housing sites NPPF paragraph 49 states:
- “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*
- 4.18 The inability of the Council to demonstrate a 5 year supply of deliverable housing sites means that, in accordance with NPPF paragraph 49, any saved policies included in the 2006 Local Plan regarding the supply of housing should not be considered up-to-date.

Affordable Housing Provision

- 4.19 There is an existing and future need for additional affordable housing in the borough to be delivered. The need for additional affordable housing is a material consideration in decision making.
- 4.20 The evidence base for the affordable housing provision in the borough is detailed in the *“Tees Valley 2012 Strategic Housing Market Assessment Final Report”* which was published in May 2012 with specific regard to tables 4.20 and 4.23. In Hartlepool there is an overall need for approximately 88 affordable dwellings each year. When matched against the proposed total net annual dwelling target of 320 dwellings, this equates to a “need” delivery of 27.5%.
- 4.21 Although the evidence identifies a significant level of affordable housing need, the Council appreciates that providing an element of affordable housing as part of private development affects the economic viability of schemes. Bearing this in mind it is necessary to ensure that affordable housing is provided at a level that is economically viable and does not prevent development from taking place.

Renewable Energy

- 4.22 The Council are committed to delivering sustainable development and will seek to ensure that new development has regard to the need to reduce CO₂ emission and mitigate against the impacts of climate change through providing a minimum of 10% of the developments energy needs from renewable and/or decentralised resources.
- 4.23 In November 2010 the Council produced an evidence paper called “*Energy Supply from Decentralised and Renewable or Low Carbon Sources*” which relates to providing an on site energy supply from decentralised and renewable or low carbon sources. The evidence paper reviews European, National, Regional and local guidance along with particular reports that formed part of the Regional Spatial Strategy evidence base, to ascertain the overarching aim of RSS policy 38 and why the 10% requirement on major developments was originally set.
- 4.24 The background paper concluded that the RSS evidence and policy which was tested at examination in public in 2006 were justifiable and that a similar approach was appropriate within Hartlepool. The Council consider that the application of the 10% requirement should only apply to major applications, some smaller scale developers may see the requirement as an undue burden, however major developments that are more likely to have a significant increase in CO₂ emissions are likely to have greater profit margins and therefore the 10% requirement is considered acceptable as it should not have a significant financial impact upon build costs that can not be off set against profit margins. As indicated in European Directive 2001/77/EC as more renewable energy technologies are used, the price will fall due to economies of scale.
- 4.25 NPPF paragraphs 93, 94, 95 96 and 97 are paramount in ensuring that development meets the challenge of climate change. The on site renewable energy requirement is part of the Council's proactive strategy to mitigate and adapt to climate change as required by NPPF paragraph 94, furthermore the on site renewable energy provision ensures that Hartlepool takes responsibility and contributes to meeting EU and government targets in providing energy from renewable or low carbon sources as per NPPF paragraph 97.
- 4.26 Notwithstanding the above where it can be proven that it is not viable and would place undue burden on the development to derive a minimum of 10% of the energy needs from renewable and/or decentralised resources, a lower percentage may be considered acceptable and/or the development should seek to make up any shortfall through additional energy efficiency measures in building construction and layout.

5. 2006 LOCAL PLAN POLICIES NPPF CONSISTENCY

5.1 Table 3 below summarises the saved 2006 Local Plan policies and illustrates their consistency with the National Planning Policy Framework (NPPF) in terms of full, partial or not consistent. The full discussion of the policies is contained in appendix 1.

Table 3: 2006 Local Plan Saved Policies NPPF Consistency

Policy	Full	Partial	Not
Gen Environmental			
GEP1		x	
GEP2	x		
GEP3	x		
GEP7	x		
GEP9		x	
GEP10	x		
GEP12	x		
GEP16	x		
GEP17	x		
GEP18	x		
Industry & Business			
IND1	x		
IND2			x
IND3	x		
IND4		x	
IND5		x	
IND6	x		
IND7			x
IND8	x		
IND9	x		
IND10	x		
IND11	x		
Retail & Commercial			
COM1	x		
COM2	x		
COM3	x		
COM4	x		
COM5	x		
COM6	x		
COM7			x
COM8			x
COM9		x	
COM10		x	
COM12	x		
COM13		x	
COM14	x		
COM15		x	
COM16	x		

Policy	Full	Partial	Not
Tourism			
TO1	x		
TO2	x		
TO3	x		
TO4	x		
TO6	x		
TO8	x		
TO9	x		
TO10	x		
TO11	x		
Housing			
HSG1	x		
HSG2			x
HSG3			x
HSG4			x
HSG5			x
HSG6			x
HSG7			x
HSG9		x	
HSG10	x		
HSG11	x		
HSG12	x		
HSG13			x
HSG14			x
Transport			
TRA1	x		
TRA2	x		
TRA3	x		
TRA4	-	-	-
TRA5	x		
TRA7	x		
TRA9	x		
TRA10	x		
TRA11		x	
TRA12		x	
TRA13		x	
TRA14		x	
TRA15	x		
TRA16	x		
TRA17	x		
TRA18	x		
TRA20	x		

Policy	Full	Partial	Not
Public & Community			
PU3	x		
PU6	x		
PU7	x		
PU10	-	-	-
PU11	-	-	-
Dev Constraints			
DCO1	x		
Recreation & Leisure			
REC1	x		
REC2	x		
REC3	x		
REC4	x		
REC5	x		
REC6	x		
REC7	x		
REC8	x		
REC9		x	
REC10	x		
REC12	x		
REC13	x		
REC14	x		
Green Network			
GN1	x		
GN2	x		
GN3	x		
GN4	x		
GN5	x		
GN6	x		
Wildlife			
WL2	x		
WL3	x		
WL5	x		
WL7	x		
Historic Environment			
HE1	x		
HE2	x		
HE3	x		
HE6	x		
HE8	x		
HE12	x		
HE15	x		

Policy	Full	Partial	Not
Rural Area			
RUR1		x	
RUR2		x	
RUR3		x	
RUR4	x		
RUR5		x	
RUR7	x		
RUR12			x
RUR14	x		
RUR15	x		
RUR16	x		
RUR17	x		
RUR18	x		
RUR19	x		
RUR20	x		
Minerals			
MIN1	-	-	-
MIN2	-	-	-
MIN3	-	-	-
MIN4	-	-	-
MIN5	-	-	-
Waste			
WAS1	-	-	-
WAS2	-	-	-
WAS3	-	-	-
WAS4	-	-	-
WAS5	-	-	-
WAS6	-	-	-

APPENDIX 1

- 5.2 Of the 136 saved policies in the 2006 Local Plan the vast majority of the policies were assessed to be in full or partial consistency with the NPPF with only 13 found to not be consistent with the NPPF. The following paragraphs identify the specific chapters in the 2006 Local Plan and illustrate their overall consistency with the NPPF.

General Environmental Principles

- 5.3 All of the GEP policies are in full or partial consistency with the NPPF. The main issue is regard to policy GEP1 is whereby it seeks to restrict development to within the urban limits, this is not a requirement of the NPPF. Furthermore the Council cannot currently demonstrate a 5 year supply of deliverable housing sites (see section 4) in accordance with NPPF paragraph 47, therefore until such a time that a 5 year land supply can be demonstrated, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence.

- 5.4 Policy GEP9 is only partially consistent with the NPPF. The policy is not fully consistent with the NPPF as it is seeking to secure contributions towards acquisition and demolition of surplus housing stock and housing improvements in low demand housing areas in accordance with policy Hsg5. Hsg5 is not in conformity with the NPPF and as a result this type of contribution cannot be secured. However with regard to all other contributions advocated in the policy there securing is consistent with the NPPF.

Industrial and Business Development

- 5.5 All of the IND policies are in full or partial consistency with the NPPF in general with the exception of policies IND2 relating to the allocation at North Burn and IND7 relating to North of Seaton Channel which are not consistent with the NPPF.

Retail, Commercial and Mixed Use Development

- 5.6 All of the COM policies are in full or partial consistency with the NPPF in general with the exception of policies COM7 relating to Tees Bay and COM8 relating to shopping development which are not consistent with the NPPF and COM9 which is substantially not consistent.

- 5.7 Policy COM9 which concerns main town centre uses is substantially not consistent with the NPPF with the exception of the hierarchy of centres proposed and the references to travel plans. As a result NPPF paragraphs 24, 25, 26 and 27 should be used to determine planning applications relating for main town centre uses based on the hierarchy of centres established in policy COM9, with weight given to the need to prepare Travel Plans and Planning Conditions where relevant.

Tourism

- 5.8 All TO policies are consistent with the NPPF.

APPENDIX 1

Housing

- 5.9 A high number of the HSG policies are not consistent with the NPPF as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47; as a result weight cannot be given to policies which seek to restrict additional housing provision.
- 5.10 The Council's situation with regard to the 5 year land supply is illustrated in section 4 and in appendix 1. As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.

Transport

- 5.11 All TRA policies are fully or partially consistent with the NPPF. The only issue with regard to partially consistent policies is the references made in the policies to employment allocations which themselves are partially or not consistent with the NPPF.

Public Utility and Community Facilities

- 5.12 PU policies are consistent with the NPPF with the exception of policies PU10 and PU11 which are no longer applicable as the site has been fully developed in accordance with the policy criteria.

Development Constraints

- 5.13 The DCO policy is consistent with the NPPF.

Recreation and Leisure

- 5.14 REC policies are consistent with the NPPF in general with the exception of policy REC9 which is partially consistent as it does not give any flexibility to allow proposals which may bring significant other benefits, for example in terms of economic development.

The Green Network

- 5.15 All GN policies are consistent with the NPPF.

Wildlife

- 5.16 All the WL policies are consistent with the NPPF.

Conservation of the Historic Environment

- 5.17 All the HE policies are consistent with the NPPF.

The Rural Area

- 5.18 Many of the RUR policies are not consistent with the NPPF as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites (see section 4) in accordance with NPPF paragraph 47; full weight cannot be given to policies which seek to restrict additional housing provision.

APPENDIX 1

- 5.19 The Council's situation with regard to the 5 year land supply is illustrated in section 4 and in appendix 1. As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough, with particular regard to the countryside and rural area alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.

Minerals

- 5.20 The MIN policies are no longer applicable as the policies have been superseded by the policies contained in the Tees Valley Minerals and Waste Development Plan Documents.

Waste

- 5.21 The WAS policies are no longer applicable as the policies have been superseded by the policies contained in the Tees Valley Minerals and Waste Development Plan Documents.

2006 Local Plan Policies NPPF Consistency Conclusion

- 5.22 As illustrated in table 3 the majority of the policies contained in the 2006 Local Plan are fully or partially consistent with the NPPF. Where policies are fully consistent they are to be given full weight in decision making, however where policies are partially consistent due weight will be given having regard to relevant paragraphs in the NPPF. Where policies are not consistent with the NPPF they are given no weight in decision making and the relevant paragraphs in the NPPF will be used to determine planning applications.
- 5.23 As a result where decision making is required in most cases a combination of the existing 2006 Local Plan and the relevant paragraphs in the NPPF will be used as a policy framework until the Council moves forward the preparation of a new Local Plan to a sufficient stage where emerging policies can be given due weight. Bearing this in mind, this document will be regularly updated to take into consideration any relevant changes.

6. PLANNING FRAMEWORK CONCLUSION

6.1 The withdrawal of the 2013 Local Plan placed the Council in a situation where the planning framework consists of:

- Saved 2006 Local Plan policies,
- Guidance contained in the National Planning Policy Framework, and;
- Other material considerations.

Saved 2006 Local Plan Policies & National Planning Policy Framework

6.2 Table 3 illustrates the saved 2006 Local Plan policies and their consistency with regard to the National Planning Policy Framework (NPPF) with appendix 1 detailing each saved policy and guidance relating to its consistency with the NPPF. In instances where the plan is not fully consistent with the NPPF appendix 1 outlines which NPPF paragraph numbers should be used in decision making with specific regard to determining planning applications.

Material Planning Considerations

6.3 The borough has specific policy areas where the 2006 Local Plan is silent and/or the relevant policies are out-of-date and the NPPF delegates the decision making to the development plan. These other material considerations are:

- **Demonstrating a 5 Year Supply of Deliverable Housing Sites**
The inability of the Council to demonstrate a 5 year supply of deliverable housing sites means that, in accordance with NPPF paragraph 49, any saved policies included in the 2006 Local Plan regarding the supply of housing should not be considered up-to-date.
- **Affordable Housing**
There is a need to deliver 27.5% affordable housing as part of residential developments.
- **Renewable Energy**
There is a need to provide a minimum of 10% of the developments energy needs from renewable and/or decentralised resources.

Summary Conclusion

6.3 As a result, where decision making is required, in most cases a combination of the existing 2006 Local Plan, the relevant paragraphs in the NPPF and other material considerations will be used as a planning framework until the Council moves forward the preparation of a new Local Plan to a stage where emerging policies can be given due weight.

6.4 Bearing this in mind, this document will be regularly updated to take into consideration any relevant changes.

Appendix 1 : 2006 Local Plan Saved Policies / NPPF Accordance

Table A: General Environmental Principles

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
General Environmental Principles					
GEP1		x		6, 7, 8, 9, 10, 14, 15, 17, 30, 32, 34, 35, 37, 43, 49, 50, 53, 55, 56, 57, 58, 60, 61, 63, 64, 65, 67, 69, 70, 72, 73, 75, 93, 94, 95, 99, 100, 101, 102, 103, 104, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 128, 129, 131, 132, 133, 135, 136, 137, 138, 139, 140, 144, 148, 149, 150, 151, 152, 154, 156, 157, 203, 204, 205.	<p>The policy seeks to contribute towards sustainable development. The policy covers a lot of key areas that all seek to provide sustainable development, the policy seeks to ensure that development is located in the right place and is of high quality design and does not have a detrimental impact upon amenity.</p> <p>The policy is only partially compliant as it seeks to restrict development to within the urban limits, this is not a requirement of the NPPF. Furthermore the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, therefore until such a time that a 5 year land supply can be demonstrated, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence.</p>
Access For All					
GEP2	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 31, 32, 34, 35, 37, 39, 40, 49, 50, 56, 57, 58, 64, 67, 69, 70, 75, 95, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy seeks to ensure that all development is accessible to all users in particular those with disabilities and the less able bodies, thus ensuring that development is sustainable as it provides for the population now and in the future.
Crime Prevention by Planning and Design					
GEP3	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 21, 49, 50, 55, 56, 57, 58, 61, 64, 67, 69, 70, 150, 151, 152.	The policy seeks to contribute towards sustainable development. The policy seeks to ensure that development does not lead to an increase in crime and anti social behaviour and where possible it should reduce such instances. The policy states that safety should be taken into account when designing a scheme.
Frontage of Main Approaches					
GEP7	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 21, 29, 30, 31, 41, 49, 56, 58, 61, 64, 70, 93, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy seeks to protect and enhance the main approaches within the borough, to assist in improving the overall quality of the borough. The policy sets out key main approaches that are of particular importance to Hartlepool.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Developers Contributions					
GEP9		x		6, 7, 8, 9, 10, 14, 15, 17, 150, 151, 152, 203, 204, 205.	<p>The policy is partially consistent with the NPPF. The policy seeks contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy sets out the types of contributions which may be required. All of these, with the exception of one, are in conformity with the NPPF.</p> <p>The policy however is not in accordance with the NPPF where it requests contributions for:</p> <p>i) The acquisition and demolition of surplus housing stock and housing improvements in low demand housing areas (see policies Hsg6 and Hsg5) – As these two policies are not in conformity with the NPPF, this element of GEP9 is therefore not compliant.</p>
Provision of Public Art					
GEP10	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 49, 56, 57, 58, 60, 63, 69, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to add to the overall quality and distinctiveness of the borough through the provision of bespoke public art.
Trees, Hedgerows and Development					
GEP12	x			6, 7, 8, 9, 14, 15, 17, 20, 49, 50, 56, 57, 58, 61, 64, 69, 70, 93, 114, 150, 151, 152, 203, 206.	The policy seeks to contribute towards sustainable development. The policy seeks to protect trees and hedgerows that currently add to the quality of the environment. The policy also encourages further tree planting as part of a scheme.
Untidy Sites					
GEP16	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 21, 57, 150, 151, 152, 207	The policy seeks to contribute towards sustainable development. The policy sets out Council's desires and powers but it does not specifically link to development proposals. The overall aim of the policy is in accordance with the thread of the NPPF that is to create sustainable development and thus quality environments.
Derelict Land Reclamation					
GEP17	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 21, 109, 111, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy sets out Council's desires but it does not specifically link to development proposals. The overall aim of the policy is in accordance with the thread of the NPPF that is to create sustainable development and thus quality environments.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Development on Contaminated Land					
GEP18	x			6,7,8 9, 14, 15, 17, 109, 110, 111,120,121,122, 150,151,152,	The policy seeks to contribute towards sustainable development. The policy encourages development on contaminated land as it is a positive measure to remove the contamination.

Table B: Industrial and Business Development

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Wynyrd Business Park					
IND1	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 36, 57, 58, 109, 126, 150, 151, 152, 203, 204, 205.	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. It allocates land for a prestige business park that supports sustainable economic growth. This site is fully committed for this use with a full planning permission for business use for the full site. The wider Wynyrd Park area has a proven track record of attracting inward investment and development. (meets paragraphs 18, 19, 20, 21, 22).</p> <p>The policy also provides criteria to protect areas of historic and natural interest (109 and 126), to provide high quality landscaping and or woodland planting (57), high quality design (57 and 58), the landscaping of car parking areas and that travel plans should be prepared (36).</p>
North Burn Electronics Components Park					
IND2			x	6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 31, 36, 57, 58, 109, 126, 150, 151, 152, 203, 204, 205.	The policy is not consistent with the NPPF. It allocates land for a prestige business park there is currently no planning permission in place and there is substantial infrastructure costs associated with developing the site. In this respect the site does not meet paragraph 22 as, on current evidence, there is no reasonable prospect on the site being developed.

Queens Meadow Business Park					
IND3	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 36, 57, 58 150,151,152, 203, 204, 205.	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. It allocates land for a business park that supports sustainable economic growth. The business park has attracted development over the years and is a key part of the portfolio of the sites that make up the Boroughs employment land offer (the policy meets paragraphs 18, 19, 20, 21, 22).</p> <p>The policy also provides criteria to ensure high quality landscaping and or woodland planting (57), high quality design (57 and 58), the landscaping of car parking areas and that travel plans should be prepared (36).</p>

Higher Quality Industrial Estates				
IND4		x	6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 36, 57, 58, 61 150, 151, 152, 203, 204, 205.	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. It allocates three sites for higher quality industrial development that supports sustainable economic growth.</p> <p>Two of the sites, Sovereign Park and Park View West have attracted development over the years and are an important part of the portfolio of the sites that make up the Boroughs employment land offer. They meet paras 18.19, 20, 21 and 22. However the site at Golden Flatts has no planning permission and has had no developer interest and thus does not meet paragraph 22. The Golden Flatts site was recommended for de-allocation in the Employment Land Review 2008 for this reason.</p> <p>The policy also provides criteria to ensure landscaping is provided, particularly on road frontages (57 and 58), that buildings are provided with a high quality finish (61), the landscaping of car parking areas and that travel plans should be prepared (36).</p>

Industrial Areas				
IND5		x		<p>6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 57, 58, 150, 151, 152, 203, 206.</p> <p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. It allocates eleven sites for employment/industrial development that supports sustainable economic growth. The following sites are fully committed or are developing and building out and meet all requirements of NPPF (18, 19, 20, 21, 22):</p> <ul style="list-style-type: none"> • Oaksway, • Longhill/Sandgate, • Usworth Road, • Brenda Road East, • South works • Tofts Farm East/Hunter House • Brenda Road West • Graythorpe Industrial Estate • Graythorpe Yard • Zinc Works Road • Former Centura Foods site <p>However the former centura foods site has now been cleared and there is little reasonable prospect of this site being used for employment uses, particularly given the constraints associated with the site and therefore not consistent with paragraph 22.</p> <p>The policy also provides criteria to ensure a high quality of design and landscaping is provided for development fronting main approach roads and estate roads (57 and 58).</p>
Bad Neighbour Uses				
IND6		x		<p>6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 123, 150, 151, 152,</p> <p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF (18, 19, 20, 123). The policy seeks to identify an area for bad neighbour uses in order to prevent the spread of untidy uses into more sensitive industrial areas.</p>

Port Related Development					
IND7			x	6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 109, 113, 114, 117, 118, 150, 151, 152,	<p>The policy is not consistent with the NPPF and allocates a site at North of Seaton Channel for Port Related Development. Work on the emerging local plan led to this land being re-allocated to general employment land as it was deemed unsuitable (objections from Natural England) for Port Related due to effects on the SPA if it was to be used for port related uses (jetties would need to be constructed on the SPA mudflats) (does not comply with 109 and 114).</p> <p>Also there is no planning permission on any part of the site and there has been no developer interest in the site. (does not comply with 22).</p>
Industrial Improvement Areas					
IND8	x			6, 7, 8, 9, 10, 14, 15, 17, 19, 20, 21, 58, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF and looks to improve the environment of industrial areas.
Potentially Polluting or Hazardous Developments					
IND9	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 113, 114, 117, 118 120, 122, 124, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF (18, 19, 20, 21, 22). It allocates land for potentially polluting or hazardous developments that supports sustainable economic growth. Two of the sites are fully committed for this use and the third one North of Graythorp is partially developed. Some of the bodies referenced in the policy text are out of date i.e English Nature is now Natural England and the Nuclear Installations Inspectorate is now Office for Nuclear Regulation.</p> <p>The policy also cross references to the criteria of policy WL2 and this element is also compliant with NPPF (113, 114, 117 & 118)</p>
Underground Storage					
IND10	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 109, 113, 114, 117, 118 120, 122, 124, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy is concerned with underground storage in disused brine cavities. Some of the bodies referenced in the policy text are out of date i.e. English Nature is now Natural England and the Nuclear Installations Inspectorate is now Office for Nuclear Regulation.</p> <p>The policy also cross references to the criteria of policy WL2 and this element is also compliant with NPPF (113, 114, 117 & 118) and to protect the aquifer and watercourses (109).</p>

Hazardous Substances				
IND11	x		6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 113, 114, 117, 118, 120, 121, 122, 124, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF and is concerned with proposals that involve hazardous substances.</p> <p>The policy also cross references to the criteria of policy WL2 and this element is also compliant with NPPF (113, 114, 117 & 118).</p>

Table C: Retail, Commercial and Mixed Use Development

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Development in the Town Centre					
COM1	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 150, 151, 152, 156	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy establishes a hierarchy of centres and defines the extent of the town centre.
Primary Shopping Area					
COM2	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 56, 57, 61, 150, 151, 152, 156	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy defines the primary shopping area.
Primary Shopping Area – Opportunity Site					
COM3	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 56, 57, 61, 150, 151, 152, 156, 203, 204, 205.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF.
Edge of Town Centres					
COM4	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 56, 57, 61, 123, 150, 151, 152, 156	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy establishes a hierarchy of centres and defines the edge of centre areas.
Local Centres					
COM5	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 56, 57, 61, 123, 150, 151, 152, 156	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy establishes a hierarchy of centres and defines the local centres in the borough.

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Commercial Improvement Areas					
COM6	x			6, 7, 8, 9, 10, 14, 15, 17, 20, 56, 57, 58, 61, 69, 123, 150, 151, 152,	The policy is consistent with the NPPF. The policy seeks to contribute towards sustainable development in the commercial areas through seeking to improve the built environment of the commercial areas.
Tees Bay Mixed Use Site					
COM7			x	6, 7, 8, 9, 10, 14, 15, 17, 21, 23, 24, 30, 32, 150, 151, 152, 203, 204, 205.	<p>The policy is not consistent with the NPPF. The policy establishes Tees Bay as being outside the hierarchy of centres but plans to support the existing business sectors already located there. The policy is not consistent as it is seeking to:</p> <p>(i) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>As a result it is considered that the policy is not used to determine planning applications relating to the Tees Bay.</p>

Shopping Development					
COM8			x	6, 7, 8, 9, 10, 14, 15, 17, 23, 24, 25, 26, 27, 30, 32, 150,151,152, 203, 204, 205, 206	<p>The policy is not consistent with the NPPF as it seeks to:</p> <p>(i) Make the primary shopping area more sequentially preferable than the town centre. (ii) Require an applicant to demonstrate retail need. (iii) Require an applicant to undertake a retail impact assessment on all retail developments in excess of 2,500sqm.</p> <p>As a result NPPF paragraphs 24, 25, 26 and 27 should be used to determine planning applications relating to retail development.</p>
Main Town Centre Uses					
COM9			x	6, 7, 8, 9, 10, 14, 15, 17, 23, 24, 25, 26, 27, 30, 31, 150,151,152, 203, 204, 205, 206	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy establishes a hierarchy of centres in accordance with the NPPF. The only weight given to the policy should relate to the hierarchy of centres that is established which is in accordance with paragraph 23 along with the references to Travel Plans and Planning Conditions.</p> <p>The policy is not consistent as it is seeking to:</p> <p>(i) Only allow main town centre uses outside of the town centre where need is demonstrated. (ii) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>As a result NPPF paragraphs 24, 25, 26 and 27 should be used to determine planning applications relating for main town centre uses based on the hierarchy of centres established in policy COM9, with weight given to the need to prepare Travel Plans and Planning Conditions where relevant.</p>

Retailing in Industrial Areas					
COM10		x		6, 7, 8, 9, 10, 14, 15, 17, 17, 22, 23, 24, 26, 27, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy reinforces the hierarchy of centres in accordance with the NPPF and seeks to deliver retailing in industrial areas in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed.</p> <p>The policy is not consistent as it is seeking to:</p> <p>(i) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>As a result it is considered that the policy is used to determine planning applications relating to retail in industrial areas with the exception of the accordance to policy COM8.</p>
Food and Drink					
COM12	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 61, 123, 150, 151, 152, 203, 204, 205.	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to deliver food and drink development in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed.</p>
Commercial Uses in Residential Areas					
COM13		x		6, 7, 8, 9, 10, 14, 15, 17, 22, 23, 24, 26, 27, 56, 57, 61, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy reinforces the hierarchy of centres in accordance with the NPPF and seeks to deliver retailing in residential areas in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed.</p> <p>The policy is not consistent as it is seeking to:</p> <p>(i) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>As a result it is considered that the policy is used to determine planning applications relating to retail in residential areas with the exception of the accordance to policy COM8.</p>

Business Uses in the Home					
COM14	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 61, 123, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to allow business uses in the home in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed.
Victoria Harbour / North Docks Mixed Use Site					
COM15		x		6, 7, 8, 9, 10, 14, 15, 17, 17, 21, 22, 56, 57, 61, 100, 103, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy reinforces the hierarchy of centres in accordance with the NPPF and seeks to deliver a mixed of uses in an industrial area in a sustainable manner taking into consideration the potential impacts on the local area by nature of the uses proposed.</p> <p>The policy is not consistent as it is seeking to:</p> <p>(i) Ensure development should accord with policy COM8 which is considered as not consistent with the NPPF.</p> <p>As a result it is considered that the policy is used to determine planning applications relating to mixed uses in the Victoria Harbour / North Docks area with the exception of the accordance to policy COM8.</p>
Headland – Mixed Use					
COM16	x			6, 7, 8, 9, 10, 14, 15, 17, 14, 17, 19, 20, 21, 123, 126, 128, 129, 131, 137, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to allow mixed uses in the Headland area in a sustainable manner taking into consideration the potential impacts on the local area by nature of the use proposed.

Table D: Tourism

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Tourism Development in the Marina					
TO1	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 23, 24, 26, 27, 100, 106, 107, 108, 150, 151, 152, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy promotes the use of the Marina for Tourism which is in conformity with a number of the elements of the NPPF which seek to promote economic development in sustainable locations. The NPPF also highlights the need for Coastal Change Management Plans which the authority is working on and will complement policies related to the coastal margins.</p> <p>Paragraph 23 seeks to allocate tourism development within town centres, however paragraph 24 sets out the sequential tests to apply and given the Marina is an edge of centre location, identified as a suitable for such uses, it is therefore also in accordance in this respect.</p>

Tourism at the Headland					
TO2	x			<p>6, 7, 8, 9, 10, 14, 15, 17, 150,151,152, 18, 19, 21, 23, 26, 27, 100, 106, 107, 108, 115, 126, 128, 129, 131, 137, 186</p>	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy promotes the use of the Headland for Tourism developed in a sensitive way to reflect the character and maritime and Christian Heritage which is in conformity with a number of the elements of the NPPF which seek to promote economic development in sustainable locations. The NPPF also highlights the need for Coastal Change Management Plans which the authority is working on and will complement policies related to the coastal margins.</p> <p>Paragraph 23 seeks to allocate tourism development within town centres, however paragraph 24 sets out the sequential tests to apply and given the Headland is locally identified as a suitable location for such uses is therefore also in accordance in this respect.</p>
Core Area of Seaton Carew					
TO3	x			<p>6, 7, 8, 9, 10, 14, 15, 17, 150,151,152, 18, 19, 21, 23, 26, 27, 100, 106, 107, 108, 186</p>	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy promotes the use of the Seaton Carew for Commercial and Leisure developments which are sympathetic to the character of the area and in keeping with a seaside resort and is in conformity with a number of the elements of the NPPF which seek to promote economic development in sustainable locations. The NPPF also highlights the need for Coastal Change Management Plans which the authority is working on and will complement policies related to the coastal margins.</p> <p>Paragraph 23 seeks to allocate tourism development within town centres, however paragraph 24 sets out the sequential tests to apply and given Seaton Carew is locally identified as a suitable location for such uses is therefore also in accordance in this respect.</p>

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Commercial Development Sites at Seaton Carew					
TO4	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 23, 24, 26, 27, 100, 106, 107, 108, 150, 151, 152, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. This policy identifies individual sites in Seaton Carew which are suitable for certain types of commercial and recreational facilities. It is in conformity with a number of the elements of the NPPF which seek to promote economic development in sustainable locations. The NPPF also highlights the need for Coastal Change Management Plans which the authority is working on and will complement policies related to the coastal margins.</p> <p>Paragraph 23 seeks to allocate tourism development within town centres, however paragraph 24 sets out the sequential tests to apply and given Seaton Carew is locally identified as a suitable location for such uses is therefore also in accordance in this respect.</p>
Seaton Park					
TO6	x			6, 7, 8, 9, 10, 14, 15, 17, 150, 151, 152, 26, 27, 69, 70, 73, 74, 171, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. It promotes the development of additional recreational facilities in Seaton Park to enhance its attractiveness to users. This aim is in line with a number of elements of the NPPF.</p>
Teessmouth National Nature Reserve					
TO8	x			6, 7, 8, 9, 10, 14, 15, 17, 109, 113, 118, 150, 151, 152, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. It promotes the Teessmouth National Nature Reserve as a tourist attraction by encouraging its enhancement and encouraging sustainable green tourism. This aim is in line with a number of elements of the NPPF.</p>
Tourism Accommodation					
TO9	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 23, 24, 26, 27, 100, 106, 107, 108, 150, 151, 152, 186	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The Policy links to GEP1 which is also considered to be consistent.</p> <p>Paragraph 23 seeks to allocate tourism / commercial development within town centres, however paragraph 24 sets out the sequential tests to apply and given The Marina, Seaton Carew and the Headland are locally identified as a suitable location for such uses is therefore also in accordance in this respect.</p>
Touring Caravan Sites					
TO10	x			6, 7, 8, 9, 10, 14, 15, 17, 19, 28, 61, 64, 109, 110, 186, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports the development of touring caravan sites where they meet a number of criteria.</p>
Business Tourism and Conferencing					

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TO11	x		6, 7, 8, 9, 10, 14, 15, 17, 19, 20, 21, 150, 151, 152, 186,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to encourage and promote business tourism and conferencing. The Policy links to GEP1 which is also considered to be consistent.
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Table E: Housing

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Housing Improvements					
HSG1	x			6, 7, 8, 9, 10, 14, 15, 17, 51, 56, 57, 61, 69, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the existing housing stock in the borough.
Selective Housing Clearance					
HSG2			x	6, 7, 8, 9, 10, 14, 15, 17, 51, 56, 57, 61, 69, 150, 151, 152, 156, 157	<p>The policy seeks to improve the physical environment through selective demolitions of the existing housing stock in the borough. The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>

Housing Market Renewal					
HSG3			x	6, 7, 8, 9, 10, 14, 15, 17, 51, 56, 57, 61, 69, 150, 151, 152, 153, 156, 157, 174	<p>The policy seeks to improve the physical environment of the existing housing stock in the borough. The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>
Central Area Housing					
HSG4			x	6, 7, 8, 9, 10, 14, 15, 17, 24, 25, 26, 27, 150, 151, 152,	<p>The policy is not consistent with the NPPF as it seeks to:</p> <p>(i) Make an exception on the hierarchy of centres and their sequential preference for uses that are classed as "local services".</p> <p>As a result NPPF paragraphs 24, 25, 26 and 27 should be used to determine planning applications relating for main town centre uses based on the hierarchy of centres established in policy COM9. If the development is acceptable in Locational terms policy COM13 in the 2006 Local Plan should be used to determine planning applications relating to retail in residential areas with the exception of the accordance to policy COM8.</p>

Management of Housing Land Supply					
HSG5			x	6, 7, 8, 9, 10, 14, 15, 17, 49, 150, 151, 152, 156, 157, 203, 204, 205,	<p>The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>
Mixed Use Areas					
HSG6			x	6, 7, 8, 9, 10, 14, 15, 17, 49, 51, 56, 57, 61, 100, 103, 123, 150, 151, 152, 156, 157	<p>The policy seeks to deliver additional housing provision in the borough. The policy is not consistent as it is seeking to:</p> <p>(i) promote additional housing provision on specific land subject to any detrimental effect on the strategic housing requirement set out in the policy. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, weight cannot be given to policies which seek to restrict additional housing provision.</p>
Conversions for Residential Uses					
HSG7			x	6, 7, 8, 9, 10, 14, 15, 17, 14, 29, 30, 37, 51, 56, 57, 150, 151, 152, 156, 157	<p>The policy seeks to control conversions for residential uses, which relates to housing supply in the borough. The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>

New Residential Layout – Design and Other Requirements					
HSG9		x		6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 37, 49, 56, 57, 58, 69, 93, 109, 110, 121, 123, 150, 151, 152, 157, 203, 204, 205,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy seeks to deliver additional housing provision in the borough that is appropriately designed. The policy is not consistent as it is seeking to:</p> <p>(i) Restrict potential additional housing provision by virtue of the accordance with policies HSG5 and HSG6 which relate to the location and provision of additional housing. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>(ii) Restrict the density of additional housing provision. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result it is considered that the policy is used to determine planning applications relating to additional housing provision purely relating to the design of the development but explicitly excluding the references to policies HSG5 and HSG6 and to net density.</p>
Residential Extensions					
HSG10	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 150, 151, 152, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the existing housing stock in the borough specifically taking into consideration residential extensions.
Residential Annexes					
HSG11	x			6, 7, 8, 9, 10, 14, 15, 17, 17, 56, 57, 150, 151, 152, 157, 203, 204	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the existing housing stock in the borough specifically taking into consideration residential annexes; delivering sustainable development.

Homes and Hostels					
HSG12	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 37, 56, 57, 123, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to deliver additional housing provision in the borough specifically taking into consideration homes and hostels.
Residential Mobile Homes					
HSG13			x	6, 7, 8, 9, 10, 14, 15, 17, 22, 29, 30, 37, 49, 56, 57, 58, 69, 70, 123, 150, 151, 152, 156, 157	<p>The policy is not consistent with the NPPF. The policy seeks to control the delivery of additional housing provision in the form of residential mobile homes in the borough. The policy is not consistent as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>

Gypsy Site					
HSG14			x	<p>Planning Policy for Traveller Sites 6, 7, 8, 9, 10, 11, 14, 15, 17, 150, 151, 152,</p>	<p>The policy is not consistent with the NPPF. The policy sets out criteria under which an application will be assessed, the policy applies a set of criteria relating to controlling the supply of gypsy sites within the borough.</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>As a result the NPPF as a whole along with Planning Policy for Traveller Sites (2012) should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>

Table F: Transport

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Bus Priority Routes					
TRA1	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 35, 150, 151, 152, 156, 186,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports the development of bus priority routes and is in line with the sustainable transport policies within the NPPF.
Railway Line Extensions					
TRA2	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 31, 35, 150, 151, 152, 156, 157, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy safeguards land for a future rail line extension, supporting sustainable transport both to the potential benefit of the public the industrial area in the south of the town. The policy is in line with the sustainable transport policies within the NPPF.
Rail Halts					
TRA3	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 31, 35, 150, 151, 152, 156, 157, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to the local rail network and encourages the provision of new rail halts along the corridor, supporting sustainable transport both to the potential benefit of the public the industrial area in the south of the town. The policy is in line with the sustainable transport policies within the NPPF.
Public Transport Interchange					
TRA4	-	-	-	6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 32, 35, 150, 151, 152, 156, 157, 186	It must be noted that the policy is no longer applicable as the site has been developed in accordance with the policy criteria.

Cycle Networks					
TRA5	x			6, 7, 8, 9, 10, 14, 15, 17, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to the cycle network and sets out a range of corridors where improvements are needed, supporting sustainable transport to the benefit of the public and the town. The policy is in line with the sustainable transport policies within the NPPF.
Pedestrian Linkages: Town Centre / Headland / Seaton Carew					
TRA7	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 34, 35, 41, 156, 157, 150, 151, 152, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to the pedestrian network and sets out a range of corridors where improvements are needed, supporting sustainable transport to the benefit of the public, the town and the economy. The policy is in line with the sustainable transport policies within the NPPF.
Traffic Management in the Town Centre					
TRA9	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to the traffic network in the central area to improve the environment for users and residential properties. The policy is in line with the sustainable transport policies within the NPPF.
Road Junction Improvements					
TRA10	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 32, 35, 41, 150, 151, 152, 156, 157, 186	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy supports improvements to junctions on the A689 which will aid access into the town centre and help to support the economy. The policy is in line with the sustainable transport policies within the NPPF.

Strategic Road Schemes					
TRA11		x		6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 22, 28, 29, 30, 31, 32, 34, 37, 95, 110, 150, 151, 152, 156, 157, 160, 162, 173, 197, 216,	The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy safeguards land for three potential future road improvement schemes. The main driver behind these schemes relates to improving the ability of the network to cope with developments in the future, such as a potential new nuclear power station and as such, and considering their location in central Hartlepool on routes served by public transport schemes B and C are considered compliant with the NPPF. Scheme A is contained to provide access to the North Burn employment site (Policy Ind2). Paragraph 22 of the NPPF seeks to avoid the long term protection of land for employment when there is no reasonable prospect of a site being used for that purpose. For this reason and given the cost (deliverability under paragraph 173) of the proposal, this element is not compliant. It should also be noted that it is not compliant in terms of remote location or lack of public transport serving the location.
Road Schemes: North Graythorp					
TRA12		x		6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 22, 28, 29, 30, 31, 32, 34, 37, 41, 95, 110, 150, 151, 152, 156, 157, 160, 173, 197, 216,	The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy seeks to safeguard land for the construction of a link road in the North Graythorp Industrial Estate. Whilst this would help the businesses in the area and stimulate the economy in the area, the costs would be significant, and therefore unlikely to comply with paragraphs 22, 31, 41 and 173 which notes that plans should be deliverable.
Road Schemes: Development Sites					
TRA13		x		6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 22, 28, 29, 30, 31, 32, 34, 37, 95, 110, 150, 151, 152, 156, 157, 160, 173, 197, 216,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy seeks to safeguard land for the construction of two roads at Merlin Way and Middleton Beach Road. The Merlin Way road is the spine road at Middle Warren and has been implemented.</p> <p>The Middleton Beach Road was included as part of the proposals for Victoria Harbourn which was a mixed use development. This would support the economy and help in the development of the site. It is also brownfield land.</p>

Access to Development Sites					
TRA14		x		6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 22, 28, 29, 30, 31, 32, 34, 37, 95, 110, 150, 151, 152, 156, 157, 160, 173, 196, 197, 216,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy seeks to safeguard land for the construction of two primary access roads at Victoria Harbour and Golden Flatts. The Victoria Harbour access would support the economy and help in the development of the site. It is also brownfield land.</p> <p>In terms of the access at Golden Flatts, the site was de-allocated as part of Local Plan which has just been withdrawn on the evidence within the Employment Land Review. No planning permission exists for employment on the site and it has been vacant for many years. This element is therefore not considered in conformity.</p>
Restriction on Access to Major Roads					
TRA15	x			6, 7, 8, 9, 10, 14, 15, 17, 32, 150, 151, 152, 154	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to restrict new access to or the intensification of junctions on major roads with the exception of schemes outlined in other transport policies to serve development sites. The policy is in line with the sustainable transport policies within the NPPF and will ensure the future safety of the highway network.</p>
Car Parking Standards					
TRA16	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 30, 34, 35, 36 39, 40, 150, 150, 151, 152, 156, 196	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy sets out car parking standards, requires major developments to undertake a Travel Plan to reduce the need for parking and to promote sustainable modes of travel. It sets local car parking standards for the town centre aimed at encouraging sustainable travel. The policy is in line with the sustainable transport policies within the NPPF.</p>
Railway Sidings					
TRA17	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 29, 30, 31, 35, 93, 95, 150, 150, 151, 152, 156, 157, 196	<p>The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to facilitate the transport of goods by rail and encourages new railway sidings into industrial land to facilitate this. This is in line with the aspirations set out in paragraphs 31, 156 and 157 of the NPPF. The policy is in line with the sustainable transport policies within the NPPF.</p>

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Rail Freight Facilities					
TRA18	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 21, 29, 30, 31, 35, 56, 65, 93, 95, 123, 150, 151, 152, 156, 157, 196	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy notes the criteria which should be considered in assessing proposals for rail development of existing or new sidings to form freight handling facilities. The criteria covered relate to paragraphs 56, 65 and 123 of the NPPF. The policy is in line with the sustainable transport policies within the NPPF.
Travel Plans					
TRA20	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 32, 36, 150, 151, 152, 203, 204, 205.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The Policy requires developments likely to lead to an increase in travel to produce a travel plan. This is in line with paragraph 36 of the NPPF which requires the use of Travel Plans to make travel more sustainable.

Table G: Public Utility and Community Facilities

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Sewage Treatment Works					
PU3	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 58, 109, 150, 151, 152, 156, 157, 162	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to maintain and extend where relevant additional sewage treatment work provision in the borough. The provision of adequate sewage infrastructure is crucial to meet the needs of the current borough and also facilitate future sustainable development.
Nuclear Power Station Site					
PU6	x			6, 7, 8, 9, 10, 14, 15, 17, 29, 56, 57, 58, 109, 150, 151, 152, 156, 157, 162	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to safeguard land for and to guide development of a new nuclear power station in the borough. The provision of adequate power supply is crucial to meet the needs of the current borough (and wider national grid) and also facilitate future sustainable development.
Renewable Energy Developments					
PU7	x			6, 7, 8, 9, 10, 14, 15, 17, 18, 56, 57, 58, 93, 94, 96, 97, 98, 109, 150, 151, 152, 156, 162	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to support additional renewable energy developments in the borough which contribute to moving to a low carbon future which helps mitigate against and adapt to climate change (paragraph 97).
Primary School Location					
PU10	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the site has been developed in accordance with the policy criteria.
Primary School Site					
PU11	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the site has been developed in accordance with the policy criteria.

Table H: Development Constraints

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Landfill Sites					
DCO1	x			6, 7, 8, 9, 10, 14, 15, 17, 120, 121, 122, 150, 151, 152, 203, 204, 205, 206	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to allow only appropriate development on sites that are affected by previous landfill activity.

Table I: Recreation and Leisure

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph/s	Comments
Coastal Recreation					
REC1	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 58, 61, 64, 73, 99, 113, 114, 116, 118, 150, 151, 152, 156, 186,	<p>The policy is consistent with the NPPF. The policy sets criteria for proposals for outdoor recreational developments within coastal areas within the limits to development to be assessed against. The criteria are considered in appliance with the NPPF and links to saved policy WL2 which is also considered in conformity.</p> <p>The policy however also links to policy Rur1 which is only considered in partial conformity in relation to the restriction of housing when the authority cannot currently demonstrate a 5 year housing land supply. As policy Rec1 does not relate to housing this is not considered an issue of non-conformity in relation to this policy.</p> <p>The policy also links to Policy To1 which is considered to be in conformity.</p> <p>Two policies which were not “saved” are referenced, To5 (North Shelter) and WL1 (Protection of International Local Conservation Sites). These references should be disregarded.</p> <p>The policy is considered in conformity with the relevant NPPF guidance.</p>

Provision for Play in New Housing Areas					
REC2	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 58, 69, 73, 150, 151, 152, 156, 157, 203, 204, 205, 206	<p>The policy is consistent with the NPPF. The policy requires new housing developments comprising 20 or more family dwellings to provide safe and convenient areas for casual play and, if practicable, formal play. It notes that where play cannot be provided on site, or for smaller developments, a contribution will be required towards the provision and maintenance of play facilities nearby.</p> <p>The policy links to GEP9 as a way of providing this contribution. Although GEP9 is only considered partially in conformity, the element which relates to this is considered in conformity. It is considered that this policy is in line with the sustainable development policies within the NPPF.</p>
Neighbourhood Parks					
REC3	x			6, 7, 8, 9, 10, 14, 15, 17, 56, 57, 58, 69, 73, 150, 151, 152, 156, 157, 203, 204, 205, 206,	<p>The policy is consistent with the NPPF. The policy outlines where new neighbourhood parks will be developed and notes that developer contributions will be used towards their provision. Although GEP9 is only considered partially in conformity, the element which relates to this is considered in conformity. It is considered that the development of neighbourhood parks that this policy relates to is in line with the sustainable development policies within the NPPF.</p>
Protection of Outdoor Playing Space					
REC4	x			6, 7, 8, 9, 10, 14, 15, 17, 73, 74, 150, 151, 152, 156, 203, 204, 205, 206	<p>The policy is consistent with the NPPF. The policy outlines how the local authority will protect existing areas of outdoor playing space (children's play, playing fields, tennis courts and bowling greens) and notes the strict circumstances where their loss will be considered acceptable. This is in line with paragraph 74 of the NPPF and is considered in compliance.</p> <p>The policy also notes that where playing space is lost, Policy GEP9 will be used to secure its replacement or the enhancement of such land remaining. Although GEP9 is only considered partially in conformity, the element which relates to this is considered in conformity.</p>
Development of Sports Pitches					
REC5	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 73, 74, 150, 151, 152, 156,	<p>The policy is consistent with the NPPF. The policy outlines where new sports pitches will be developed. It is considered that the development of sports pitches that this policy relates to is in line with the sustainable development policies within the NPPF.</p>

Dual Use of School Facilities					
REC6	x			6, 7, 8, 9, 10, 14, 15, 17, 70, 73, 74, 150, 151, 152, 156, 203, 204, 205, 206,	<p>The policy is consistent with the NPPF. The policy outlines that, where appropriate, the use of sports facilities within educational establishments will be made available to the public out of school hours. This is in line with the guidance set out in paragraph 70 of the NPPF which requires that authorities plan positively for the provision and use of shared space to enhance the sustainability of communities and residential environments.</p> <p>Although GEP9 is only considered partially in conformity, the element which relates to this is considered in conformity. It is considered that the development of dual use sports facilities in schools that this policy relates to is in line with the sustainable development policies within the NPPF.</p>
Outdoor Recreational Sites					
REC7	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 73, 74, 150, 151, 152, 156	<p>The policy is consistent with the NPPF. The policy outlines where new outdoor recreational facilities and sporting development requiring few built facilities will be developed. It is considered that the development of recreational facilities that this policy relates to is in line with the sustainable development policies within the NPPF.</p>
Areas of Quiet Recreation					
REC8	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 73, 150, 151, 152, 156	<p>The policy is consistent with the NPPF. The policy outlines areas to be developed for quiet recreational purposes and notes they will be landscaped and planted and, where appropriate, facilities such as nature trails, provided. It is considered that the development of these is in line with the sustainable development policies within the NPPF.</p>
Recreational Routes					
REC9		x		6, 7, 8, 9, 10, 14, 15, 17, 29, 41, 73, 75, 150, 151, 152, 156	<p>The policy is considered partially consistent with the NPPF. Whilst the ethos of the policy to develop recreational routes is in conformity with the NPPF, the policy states that proposals which would impede the development of the named routes will not be permitted. This is considered too restrictive in comparison with the NPPF's policies as it does not give any flexibility to allow proposals which may bring significant benefits, for example in terms of economic development.</p>

Summerhill					
REC10	x			6, 7, 8, 9, 10, 14, 15, 17, 73, 75, 109, 123, 150, 151, 152, 156	The policy is consistent with the NPPF. The policy notes that Summerhill will continue to be developed as a focus for access to the countryside, nature conservation and informal recreation and sporting activities. It is considered that this is in line with the sustainable development and conservational guidance contained within the NPPF.
Land West of Brenda Road					
REC12	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 73, 150, 151, 152, 156	The policy is consistent with the NPPF. The policy outlines an area to be developed for outdoor recreational purposes to the west of Brenda Road. It is considered that the development of this is in line with the sustainable development policies within the NPPF.
Late Night Uses					
REC13	x			6, 7, 8, 9, 10, 14, 15, 17, 69, 70, 123, 150, 151, 152, 203, 204, 205	<p>This policy is compliant with NPPF. The policy identifies a late opening zone in the Church Street, South Marina area and meets 69 and 70 regarding creating areas for social interaction and 123 in terms of mitigating noise and its effects on quality of life by creating this one zone in the Borough for these late night uses.</p> <p>The policy also links to the contributions policy GEP9 regarding contributions to mitigate any adverse impacts from these activities.</p>
Major Leisure Developments					
REC14	x			6, 7, 8, 9, 10, 14, 15, 17, 23, 24, 26, 27, 150, 151, 152, 203, 204, 205	This policy is compliant with NPPF (23, 24, 26, and 27) in that it recognises the town centre as the heart of the community and where major leisure developments should be located (23). The policy defines a sequential hierarchy of locations if no suitable sites are available in the town centre (24). As the policy sets no threshold for the definition of a major leisure development the NPPF sets a default threshold of 2,500sqm where no local threshold is set (26).

Table J: The Green Network

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Enhancement of the Green Network					
GN1	x			6, 7, 8, 9, 10, 14, 15, 17, 70, 74, 114, 117, 118, 123, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to develop, protect and enhance a network of green infrastructure in the borough.
Protection of Green Wedges					
GN2	x			6, 7, 8, 9, 10, 14, 15, 17, 70, 74, 114, 117, 118, 123, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect existing green wedges from development which form part of the wider network of green infrastructure in the borough.
Protection of Key Green Space Areas					
GN3	x			6, 7, 8, 9, 10, 14, 15, 17, 70, 74, 114, 117, 118, 123, 150, 151, 152, 156, 157	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect existing key green spaces from development which form part of the wider network of green infrastructure in the borough.
Landscaping of Main Approaches					
GN4	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the main approaches into the town.
Tree Planting					
GN5	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 150, 151, 152, 203, 204, 205, 206.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the key green spaces in the borough through tree planting.
Protection of Incidental Open Space					
GN6	x			6, 7, 8, 9, 10, 14, 15, 17, 74, 150, 151, 152, 203, 204, 205, 206.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect areas of incidental open space from development which form part of the wider network of green infrastructure in the borough.

Table K: Wildlife

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Protection of International Nature Conservation Sites					
WL2	x			6, 7, 8, 9, 10, 14, 15, 17, 113, 114, 117, 118, 150, 151, 152, 203, 204, 205.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect Nationally Important Nature Conservation Sites from inappropriate development.
Enhancement of Sites of Special Scientific Interest					
WL3	x			6, 7, 8, 9, 10, 14, 15, 17, 113, 114, 117, 118, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect from inappropriate development and enhance Sites of Special Scientific Interest in the borough.
Protection of Local Nature Reserves					
WL5	x			6, 7, 8, 9, 10, 14, 15, 17, 113, 117, 118, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect from inappropriate development the network of Local Nature Reserves in the borough.
Protection of SNCIs, RIGs and Ancient Semi-Natural Woodland					
WL7	x			6, 7, 8, 9, 10, 14, 15, 17, 113, 117, 118, 150, 151, 152, 203, 204, 205, 206.	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect from inappropriate development the network of SNCIs, RIGs and Ancient Semi Natural Woodland in the borough.

Table L: Conservation of the Historic Environment

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Protection and Enhancement of Conservation Areas					
HE1	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 60, 61, 126, 128, 129, 130, 131, 133, 150, 151, 152.	The policy seeks to contribute towards sustainable development. The policy seeks to protect and enhance conservation areas and all assets within it. The policy sets out criteria that should be applied when assessing a planning application.
Environment Improvements in Conservation Areas					
HE2	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 61, 109, 126, 150, 151, 152.	The policy seeks to contribute towards sustainable development. The policy is pro active as it seeks to encourage environmental improvements within conservation areas and thus forms part of the Council's positive strategy for the conservation and enjoyment of the historic environment.
Developments in the Vicinity of Conservation Areas					
HE3	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 58, 109, 126, 128, 131, 129, 137, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to ensure that development that takes place within the vicinity of a conservation area takes into account the character of the conservation area and is designed accordingly.
Protection and Enhancement of Registered Parks and Gardens					
HE6	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 58, 109, 126, 129, 137, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to protect and enhance registered parks and gardens to maintain their character, the policy should be applied to development in such locations and areas within the vicinity.
Works to Listed Buildings (Including Partial Demolition)					
HE8	x			6, 7, 8, 9, 10, 14, 15, 17, 21, 56, 57, 64, 126, 132, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to ensure that works to listed buildings, buildings adjacent to listed buildings and those that affect the setting of a listed building area sympathetic to the heritage asset.

Protection of Locally Important Buildings					
HE12	x			6, 7, 8 9, 10, 14, 15, 17, 21, 56, 57, 58, 61, 126, 131, 135, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy recognises the importance of non designated heritage assets and seeks to protect them where possible.
Areas of Historic Landscape					
HE15	x			6, 7, 8 9, 10, 14, 15, 17, 21, 61, 109, 115, 126, 131, 132, 150, 151, 152	The policy seeks to contribute towards sustainable development. The policy seeks to protect and enhance the areas of historic landscape within the borough.

Table M: The Rural Area

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Urban Fence					
RUR1		x		6, 7, 8, 9, 10, 14, 15, 17, 28, 34, 49, 52, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy seeks to control development beyond the urban fence. The policy is not consistent as it is seeking to:</p> <p>(i) Restrict potential additional housing provision outside the urban fence. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence.</p> <p>(ii) Ensure all development outside of the urban fence is in accordance with policy RUR12. Policy RUR12 is in partial accordance with NPPF paragraph 55.</p> <p>As a result it is considered that the policy is used to determine all planning applications relating to development outside of the urban fence with the specific exclusion of additional housing provision. The NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Wynyard Limits to Development					
RUR2		x		6, 7, 8, 9, 10, 14, 15, 17, 28, 34, 49, 52, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy seeks to control development beyond the Wynyard limits to development. The policy is not consistent as it is seeking to:</p> <p>(i) Restrict potential additional housing provision outside the Wynyard limits to development. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the Wynyard limits to development.</p> <p>As a result it is considered that the policy is used to determine all planning applications relating to development outside of the Wynyard limits to development with the specific exclusion of additional housing provision. The NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>
Village Envelopes					
RUR3		x		6, 7, 8, 9, 10, 14, 15, 17, 28, 34, 49, 52, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy seeks to control development beyond the defined village envelopes. The policy is not consistent as it is seeking to:</p> <p>(i) Restrict potential additional housing provision outside the defined village envelopes. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the defined village envelopes.</p> <p>As a result it is considered that the policy is used to determine all planning applications relating to development outside of the defined village envelopes with the specific exclusion of additional housing provision. The NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Village Design Statements					
RUR4	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 59, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the existing built environment in the boroughs villages; delivering sustainable development.
Development at Newton Bewley					
RUR5		x		6, 7, 8, 9, 10, 14, 15, 17, 28, 34, 49, 52, 123, 150, 151, 152,	<p>The policy seeks to contribute towards sustainable development. The policy is partially consistent with the NPPF. The policy seeks to control development beyond the defined Newton Bewley village limit. The policy is not consistent as it is seeking to:</p> <p>(i) Restrict potential additional housing provision outside the defined village envelopes. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the defined Newton Bewley village limit.</p> <p>As a result it is considered that the policy is used to determine all planning applications relating to development outside of the defined Newton Bewley village limit with the specific exclusion of additional housing provision. The NPPF as a whole should be used as a basis to determine future additional housing applications in the borough alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies will apply depending upon the site specifics and location of the proposed development.</p>
Development in the Countryside					
RUR7	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 59, 61, 92, 99, 109, 114, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the countryside area; delivering sustainable development.

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
New Housing in the Countryside					
RUR12			x	6, 7, 8, 9, 10, 14, 15, 17, 49, 55, 150, 151, 152,	<p>The policy is not consistent with the NPPF as:</p> <p>(i) The Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. As a result weight cannot be given to policies which seek to restrict additional housing provision.</p> <p>(ii) The policy does not include the full criteria for appropriate new dwellings in the countryside as set out in paragraph 55 of the NPPF.</p> <p>As a result the NPPF as a whole, with specific regard to paragraph 55, should be used as a basis to determine future additional housing applications in the countryside alongside 2006 Local Plan policies HSG9, HSG10, HSG11 and HSG12, which purely relate the design of additional housing development. Other 2006 Local Plan policies, including RUR7 will apply depending upon the site specifics and location of the proposed development.</p>
The Tees Forest					
RUR14	x			6, 7, 8, 9, 10, 14, 15, 17, 58, 59, 150, 151, 152, 203, 204, 205, 206	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve the physical environment of the countryside.
Small Gateway Sites					
RUR15	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve and diversify the rural economy.
Recreation in the Countryside					
RUR16	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 150, 151, 152, 203, 204, 205, 206	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve and diversify the rural economy.

Strategic Recreational Routes					
RUR17	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 75, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect and improve recreational routes in the rural area.
Rights of Way					
RUR18	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 75, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to improve rights of way in the rural area.
Summerhill – Newton Bewley Greenway					
RUR19	x			6, 7, 8, 9, 10, 14, 15, 17, 28, 58, 59, 75, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect and improve recreational routes in the rural area.
Special Landscape Areas					
RUR20	x			6, 7, 8, 9, 10, 14, 15, 17, 109, 113, 114, 150, 151, 152,	The policy seeks to contribute towards sustainable development. The policy is consistent with the NPPF. The policy seeks to protect and improve special landscape areas.

Table N: Minerals

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Safeguarding of Mineral Resources					
MIN1	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Use of Secondary Aggregates					
MIN2	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Mineral Extraction					
MIN3	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Transport of Minerals					
MIN4	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Restoration of Mineral Sites					
MIN5	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.

Table O: Waste

2006 LP Saved Policy	Full	Partial	Not	Relevant NPPF Paragraph	Comments
Major Waste Producing Developments					
WAS1	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Provision of “Bring” Recycling Facilities					
WAS2	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Composting					
WAS3	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Landfill Developments					
WAS4	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Landraising					
WAS5	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.
Incineration					
WAS6	-	-	-	n/a	The policy seeks to contribute towards sustainable development. The policy is no longer applicable as the policy has been superseded by the policies contained in the Tees Valley Minerals and Waste DPDs.

Appendix 2: Demonstrating a 5 Year Land Supply of Deliverable Housing Sites

Site Ref	Site Name	Granted	Gross Addition	Completed	Remaining	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
H083	Block 29 Marina	20/11/02	48		48									8	8	8	8	8	8							
H086	Mixed Use Maritime Avenue	20/11/02	54		54												14	20	20							
H075	Block 17 Marina	20/11/02	16		16								2	2	2	2	2	2	2	2						
H076	Block 18 Marina	20/11/02	16		16								2	2	2	2	2	2	2	2						
H069	Block 27 Trafalgar House	20/11/02	38	32	6	4	3	6	1	11	7		6													
H077	Block 19 Marina	20/11/02	60		60								6	6	6	6	6	6	6	6	6	6				
H068	Block 23 Mansion House	20/11/02	40		40								5	5	5	5	5	5	5	5						
H087	South of Maritime Avenue	20/11/02	400		400																	80	80	80	80	80
H065	Block 16 Coral House	20/11/02	24	23	1		1		8	12	2		1													
H085	Block 32 Marina	20/11/02	36		36								6	6	6	6	6	6								
H082	Block 28 Marina	20/11/02	20		20								4	4	4	4	4									
H084	Block 31 Marina	20/11/02	24		24								4	4	4	4	4	4								

APPENDIX 1

Site Ref	Site Name	Granted	Gross Addition	Completed	Remaining	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
H079	Block 24 Marina	20/11/02	19		19								4	4	4	4	3									
H080	Block 25 Marina	20/11/02	48		48								6	6	6	6	6	6	6							
H081	Block 26 Marina	20/11/02	20		20								5	5	5	5										
H078	Block 20 Marina	20/11/02	18		18								6	6	6											
H039	145 Stockton Road	02/07/03	4		4								4													
H007	Owton Manor House	02/02/05	7	4	3				4				3													
H092	United Reform Church	02/12/05	10	6	4				1	5			4													
H128	Middlethorpe Farm	05/06/07	5	2	3			2					3													
H053	Headway	17/07/07	184	145	39	6	34	34	21	28	22		20	19												
H099	Middle Warren 9A (Persimmon)	18/07/08	47	45	2			10	9	24	2		2													
H091	Union House	10/10/08	7	4	3		3	1					3													
H023	Jesmond Road / Heather Grove	06/11/08	17		17								7	10												
H104	Hartlepool Hospital	09/09/09	100		100									25	25	25	25									

Site Ref	Site Name	Granted	Gross Addition	Completed	Remaining	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
H123	North Farm	19/03/10	14		14									7	7												
H132	Manor Farm	12/05/10	7	2	5						2		5														
H139	Chester Hotel	04/11/10	8	4	4					2	2		4														
H144	St Marks Church	31/03/11	5		5									5													
H142	Pangbourne	04/05/11	1		1								1														
H149	Crest Identity	10/06/11	4		4									4													
H148	Park House	23/06/11	1		1									1													
H145	2-4 Whitby Street	01/08/11	4		4									4													
H156	Eaglesfield Road	09/09/11	65	41	24					24	17		24														
H158	Manor House Farm	20/10/11	4		4								4														
H045	Tunstall Court	04/11/11	33		33									10	10	13											
H151	Cumbria Walk	21/12/11	2		2								2														
H152	Former Mission Hall Burbank	22/12/11	4		4								4														

Site Ref	Site Name	Granted	Gross Addition	Completed	Remaining	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
H155	29 Hutton Avenue	09/01/12	2		2								2													
H154	Lambs House Farm	19/01/12	1		1								1													
H161	Mayfair	03/02/12	239	44	195						44		35	35	35	35	20									
H162	79 The Front	14/02/12	4		4								4													
H169	Jesmond Road School	10/04/12	38	38	0						2	36														
H170	Crookfoot Farm	28/05/12	1		1									1												
H166	Perth Street Regeneration Scheme	13/07/12	83	15	68						15		20	20	20	8										
H172	Overlands Plot A	03/09/12	1		1									1												
H173	Eden Park Self Drive	03/09/12	7		7									7												
H174	Jones Road (Supported Housing)	05/09/12	42		42								20	22												
H175	31 South Road	20/09/12	4		4									4												
H176	Sussex & Oxford Street	28/09/12	10		10									10												
H179	Close Farm Cottage	26/10/12	3		3									3												

Site Ref	Site Name	Granted	Gross Addition	Completed	Remaining	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
H181	Middle Warren Area 9 Phase 15	05/12/12	167	7	160						7		32	32	32	32	32									
H171	Middle Warren 9 (Former PU10 site) Phase 16	17/12/12	49	30	19					3	27		19													
H214	Percy Street	11/03/13	6	1	5						1		5													
H182	70-71 MILLPOOL & 1-2 SOMERSBY CLOSE	12/03/13	4		4										4											
H183	41/43 York Road	08/04/13	4		4								4													
H178	Shu Lin	26/04/13	2		2								2													
H187	Brierton Farm	08/05/13	1		1										1											
H188	LAND AT TANFIELD ROAD	22/05/13	45		45								25	20												
H190	Land adjacent Seaton Carew Nursery School	05/06/13	35		35									10	25											
H189	Wynyard Park	07/06/13	168		168								28	25	25	25	25	15								
H193	Middle Warren 9 B2	21/06/13	97	7	90						7		15	30	30	15										
H194	38 Church Street	27/06/13	3		3										3											
H195	2 SCARBOROUGH STREET	18/07/13	1		1										1											

Site Ref	Site Name	Granted	Gross Addition	Completed	Remaining	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
H196	39 Wharton Terrace	01/08/13	2		2										2											
H191	FORMER HENRY SMITH SCHOOL SITE	27/08/13	135		135								30	35	35	35										
H197	Havelock Centre	05/09/13	13		13								13													
H198	FORMER BRIERTON SCHOOL SITE	25/09/13	107		107								25	35	35	12										
H199	Foggy Furze Library	25/09/13	30		30								15	15												
H204	71 Church Street	04/10/13	1	1	0							1														
H185	Former Mas Agraa Palace	07/10/13	9		9								9													
H200	Crown House	30/10/13	56		56							56														
H201	Claremont	30/10/13	28		28								28													
H202	38-42 Victoria Road	11/11/13	10		10									10												
H180	19-21 Tankerville Street	03/01/14	7		7										7											
H136	Morison Hall	06/01/14	6		6								6													
H209	120 Alma Street	16/01/14	2		2										2											

Site Ref	Site Name	Granted	Gross Addition	Completed	Remaining	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
H210	51 Stockton Road	22/01/14	3		3										3											
H057	Niromax Site Mainsforth Terrace	12/02/14	26	10	16						10		16													
H207	Springwell Flats	14/03/14	10		10								10													
H203	Upper Warren	19/03/14	500		500									25	55	70	70	70	70	70	70					
H211	Southbrooke	24/03/14	8		8									8												
H213	Raby Gardens	27/03/14	33		33									33												
H215	Land North of the A689	01/04/14	200		200								25	25	25	25	25	25	25	25						
H212	20 Owton Manor Lane	04/04/14	1		1										1											

PLANNING COMMITTEE

14 May 2014



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has been carried out and completed in response to a complaint regarding the erection of a garden wall to the front of dwelling in Newton Brewley. The wall constructed in brick 1.5m high with brick piers equally spaced 1.83m high and metal vehicular access gates is erected more than 2 metres from the highway edge so could not be considered “adjacent” and therefore permitted development rights apply. The wall was in fact 8m from the highway edge, no action necessary.
2. An investigation has been carried out and completed in response to a complaint regarding the erection of a marquee in the car park of a public house in Greatham. A one-day wedding event used the marquee and subsequently removed no action necessary.
3. An investigation has commenced in response a complaint regarding alterations made to a driveway of a property on Lawson Road.
4. An investigation has commenced in response to an anonymous complaint regarding the erection of an extension to rear of a property on Sandringham Road.
5. An investigation has commenced in response to a complaint from local residents regarding a delay in starting an approved housing development scheme on land at Sussex Street and Oxford Street. The site is now unkempt and causing harm to the visual amenities of the area and local residents through it's condition.
6. An investigation has commenced regarding the change of use from bungalow to an office in the grounds of a multi sports facilities on Tees Road.

7. An investigation has commenced in response to a complaint regarding the raising of an existing boundary to the rear of a property on Rectory Way.
8. An investigation has commenced in response to complaint from local business regarding the hold up in the erection of a retail store on land west of Clark Street and north of Burbank Street. The company laid two short lengths of steel reinforcement foundations, then not a lot more happened. The site is now overgrown with vegetation and causing harm to the visual amenities of the area through it's condition.
9. An investigation has commenced in response to an anonymous complaint regarding the erection of a garden wall to front of property on Ivanhoe Crescent. Wall constructed in brick over 1m high with brick piers and vehicular access gates.
10. An investigation has commenced in response to a complaint regarding the conversion of an empty shop into one-bed room apartments on Ashgrove Avenue. The property owner has cooperated and a site visit arranged to chase both planning and building regulations applications.
11. An investigation has commenced in response to a complaint regarding the parking of a caravan on the driveway of a property in Ashwood Close and its use as self-contained accommodation.
12. An investigation has been carried out in response to complaint made by a Councillor regarding the placing of an advertisement on council owned land at Brenda Road. As the Council are the landowner, the complaints been redirected to the Estates and Asset Manager to action as necessary.
13. An investigation has commenced in response to a complaint regarding an outbuilding not erected in accordance with the approved plans in the rear garden of property on Ventnor Drive.
14. An investigation has commenced in response to a complaint regarding a new dwelling house currently under construction not in the position as shown on the approved plan on land at Stockton Road.
15. An investigation has commenced in response to a complaint regarding the erection of a pigeon loft in the rear garden of a property on Purves Place.

2. RECOMMENDATION

- 2.1 Members note this report.

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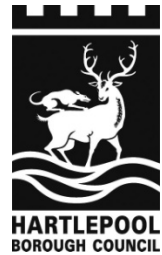
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PLANNING COMMITTEE

14th May 2014



Report of: Assistant Director (Regeneration)

Subject: QUARTERLY UPDATE REPORT FOR PLANNING SERVICES JANUARY – MARCH 2013/2014

1. TYPE OF DECISION/APPLICABLE CATEGORY

This report is for information.

2. PURPOSE OF REPORT

- 2.1 To update the Planning Committee on performance and progress across the key areas of Planning Services for the fourth quarter of 2013/2014.

3. BACKGROUND

- 3.1 The Planning Service consists of four discrete teams: Development Control, Planning Policy, Landscape Planning and Conservation and Tees Archaeology.
- 3.2 The Development Control Team focuses on assessing proposals for new development and their impact on their surroundings, particularly in the form of planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development, including derelict and untidy buildings and land.
- 3.3 Planning Policy is responsible for spatial planning policy and sustainable development policy, this includes the preparation, monitoring and review of the statutory Local Development Framework including the Local Plan, which will establish the overarching planning policy framework for the Borough and will eventually replace the adopted Hartlepool Local Plan 2006. The section

also provides policy advice in relation to planning applications and guidance on development activities, including the preparation of development briefs.

- 3.4 Landscape Planning and Conservation provides professional and technical expertise aimed at the conservation, protection and enhancement of the natural and built environment of Hartlepool. This team provides aboricultural and ecology advice and carries out ecology surveys and the inspection and review of Hartlepool's protected tree stock, including the making of Tree Preservation Orders, the processing of High Hedge applications and the surveying of Council owned trees. The section also has wider roles across the Council this includes ensuring that the authority complies with statutory duties such as the Habitats Directive, Wildlife & Countryside Act and NERC (Natural Environment and Rural Communities) Act.
- 3.5 Tees Archeology is a shared service between Hartlepool and Stockton Borough Councils based in Sir William Gray House. The section provides the Local Planning Authorities and other relevant organisations with advice on the archaeological implications of planning proposals and maintains and updates a Heritage Environment Record (HER). Government policy requires authorities to hold a record of heritage assets, archaeological and historical sites and other information such as excavations, found objects and documentary sources within its area. It is also involved in a wide range of projects both in Hartlepool, Stockton and the wider region.

4. DEVELOPMENT CONTROL

- 4.1 This quarter 97.89 % of planning applications were approved. In terms of the performance for the year 96.42 % of all planning applications were approved, this demonstrates the proactive, pro-development nature of the planning team.
- 4.2 In terms of major applications (such as minerals and waste developments, residential developments over 10 dwellings, the creation of floorspace over 1,000 square metres or sites over 1 hectare) which have been received, 100% were determined within the required target date (13 weeks or longer with the applicant's consent). In terms of the performance for the year 89.18 % of major applications were determined within the target date well above the national target of 60%.
- 4.3 In terms of minor planning applications (such as residential developments up to 9 dwellings, the creation of floor space less than 1,000 square metres or sites less than 1 hectare) for the quarter, 71.42 % were determined within the 8 week target. In terms of the performance for the year 77.77 % of minor applications have been determined within the 8 week target date well above the national target of 65%.
- 4.4 With regard to other planning applications (such as change of use, householder development, advertisements, notifications etc) for the quarter, 77.27% were determined within the 8 week target date. In terms of the

performance for the year to date, 85.21% of minor applications have been determined within the 8 week target date again well above the national target of 80%.

- 4.5 Three planning appeals were received during this quarter. One enforcement appeal was determined which was dismissed by the Planning Inspectorate. For the year 10 appeals (including enforcement appeals) were received 5 were dismissed, one appeal was allowed giving a 83% success rate. Four appeals are ongoing.
- 4.6 The applications received this quarter have generated a fee income of £53,475.80. For the year as a whole the fee income was £372,872.80.
- 4.7 This quarter 124 informal enquiries (pre-application advice in the form of the 'One Stop Shop') have been received generating a fee income of £2,422.50. For the year 584 informal enquiries have been received generating a fee income of £14,769.16.
- 4.8 Planning Services receives complaints regarding potential planning breaches which are then investigated by the Council's Planning Enforcement Officer and 41 complaints were received this quarter (see confidential **Appendix 1). This appendix contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).** No enforcement notices were served. A single appeal was determined against an enforcement notice served. The appeal was dismissed. For the year to date, 171 complaints have been received, 2 enforcement notices served, 7 Section 215 notices served and a single appeal was received against an enforcement notice served which was dismissed.

5. PLANNING POLICY

- 5.1 Officers have completed a draft version of the Issues and Options Paper which is the first stage of the new Local Plan. The aim of this stage is to seek public thoughts and open the debate on what kind of place residents, businesses and all other stakeholders want Hartlepool to be in the future. Specifically it will focus on the most appropriate locations for development to occur over the next 15 years.
- 5.2 This stage of the plan does not rely on any of the evidence base pieces of work being completed as it is simply seeking the public's thoughts and input into the process. The focus of this document is to provide as many viable issues and options on the future development of Hartlepool as possible and then to seek the view of stakeholders. It is considered important that the Issues and Options exercise is undertaken at the earliest opportunity to give time to analyse and reflect on the consultation feedback received to help shape the Preferred Options Document. This Preferred Options Document

will effectively be the first draft of the Local Plan with proposed allocations and strategic policies.

- 5.3 The Issues and Options will be reported to the Regeneration Committee seeking permission to undertake an eight week public consultation.
- 5.4 The main evidence base documents that underpin the Local Plan include, the Strategic Land Availability Assessment (SHLAA), Employment Land Review (ELR), The Open Space Assessment and Gypsy and Traveller Accommodation Assessment (GTAA). Other subsequent evidence base work will be carried out once these have been completed covering such issues as flood risk, retail and infrastructure.
- 5.5 The SHLAA identifies future suitable sites to ensure that there will be enough land available in the Borough to continuously meet housing need over a fifteen year timescale and starting in years 2014-15. The SHLAA will provide options for housing development that will ultimately be the basis for allocations in the emerging local plan and all work will be done in-house.
- 5.6 The SHLAA will consider 116 potential sites across the Borough including over 50 Council owned sites. During this quarter the initial assessments have taken place which includes a site visit and survey of each site as well as desk based work to assess known constraints. The initial assessments have been completed and a database has been sent to consultees for their expert comments. Consultees include external bodies such as the Environment Agency and utility providers as well as internal services such as Highways.
- 5.7 The Employment Land Review (ELR) is a three stage process that assesses the existing employment land stock and quality and then identifies quantitative and qualitative need over the Local Plan period. Stage 1 will be done in-house whilst stages 2 and 3 have been put out to tender.
- 5.8 In February field work/site visits to all allocated employment sites were undertaken and from this all 'available' employment land has been determined to be taken forward for further analysis by consultants. The analysis mainly revolves around market demand assessment, application of economic models and scenarios to determine which sites should be retained and which should be de-allocated. Employment land take up rates and land availability between 2008 and 2014 have been worked out on all employment sites and a report has been compiled to take forward to stages 2 and 3 to complete the ELR.
- 5.9 In March officers tendered for suitable consultants to undertake stages two and three. Shortlisting will take place in early April and the interviews are due to take place in April.
- 5.10 The Open Space Sport and Recreation Audit and Assessment document will be the main piece of evidence which will aid the Council in requesting developer contributions for green infrastructure and open space and play

provision. The public consultation will be the first stage in the process. A questionnaire has been designed and approved and the consultant will now send out this questionnaire to a random sample of residential addresses. The sample will ensure a fair distribution across the different Wards within the Borough to try and ensure the responses are representative of the whole of the town. This has been the main focus of the work over the first two months of the project and it is likely the site survey will begin in the following quarter.

- 5.11 An updated Gypsy and Traveller Accommodation Assessment (GTAA) is required to contribute towards the Local Plan evidence base. The Council has appointed Renaissance Consulting to look at the future need and demand for Gypsy and Traveller (G&T) provision in the Borough over the next 15 years and will assess whether there is a need to provide a physical site, and if so how many pitches the site needs to accommodate. Renaissance Consulting has recently carried out the G&T assessment for County Durham.
- 5.12 The evidence will be used to guide planning policy in the new Local Plan. The consultant is currently gathering information from national sources including the 2011 Census, local information from Council officers, local stakeholders, local G&T community groups and talking to G&T currently living in the Borough. It is anticipated that the consultant will prepare the assessment and present the draft findings to the Council in July 2014.
- 5.13 Officers have also been offering professional planning advice to the Neighbourhood Planning Groups which have been established in the Borough to support the Community Regeneration Team.
- 5.14 In the last quarter the Planning Policy section has, as part of its regular workload, been heavily involved in the processing of major planning applications. This is primarily providing professional advice to seek and negotiate developer contributions which subsequently involves viability testing. Examples include applications at Upper Warren and Wynyard Park.
- 5.15 A regular quarterly monitoring update will be reported on the Local Development Orders (LDO's) for Enterprise Zones as per the monitoring framework agreed as part of the LDOs. There have been no new businesses locating to the Enterprise Zones in this quarter; however officers understand that one will be delivered soon and this will be reported in the next quarter.

6. LANDSCAPE PLANNING AND CONSERVATION

- 6.1 The work on the Elwick Village Atlas, supported by the Ecologist, has now been completed with a celebration event planned in May. This will showcase the work that has been carried out over the past six months by residents in the village including research into the wildlife of the area. In addition to this work with the community the consultancy side of the service continues to develop with bat survey work carried out for a local housing

association, advice provided to a neighbouring authority and survey work to support coastal defence projects in Hartlepool. This has generated £2,120. Alongside this work the Ecologist continues to provide advice and guidance on works within the borough.

- 6.2 Arboricultural Officers continue to survey publicly owned trees in various locations within the town. This quarter areas included Burn Valley Gardens, the Fens Estate and the A689. These inspections are carried out on a cyclical basis with trees examined to identify any risks they may pose to the public or signs of obvious defects which can then in turn be reported to enable appropriate remedial action to take place. Officers have also carried out a review of a number of Tree Preservation Orders to ensure that the information remains up to date in areas where tree works have been carried out.
- 6.3 Conservation projects have included consultation work on the Shop Front Design Guidance contacting interested parties to gauge their views on the document. The Conservation Officer has been working with the Economic Development Section, Hartlepool College and neighbouring authorities to develop an apprenticeship programme focused on Heritage Skills. Whilst the first stage of the project has been confirmed, investigation work is now taking place to source funding to support work on historic buildings by the apprentices for the second part of the project. Work has continued on investigating ways in which Buildings at Risk can be brought back into use including advising owners of properties on potential schemes of work.
- 6.4 Alongside this work the team has provided specialist advice and guidance on 58 planning applications in the quarter of this year and processed numerous applications covering works to trees, listed building consent and work to properties in conservation areas.

7 TEES ARCHAEOLOGY

- 7.1 Tees Archaeology has continued working with the local community in two areas in Hartlepool. At Elwick as part of the lottery funded Limestone Landscapes Village Atlas programme report on medieval Elwick, an archaeological sensitivity map, a heritage trail and a signboard are all in preparation, with a report on Elwick's buildings having been completed. The Friends of North Cemetery project is drawing to a close with the preparation of a page for the Tees Archaeology website to host the report of the archaeological excavation the only remaining task.
- 7.2 The service has undertaken the preparation of heritage statements for Hartlepool town wall and the church of St. Mary Magdalene at Hart. Ongoing enhancement of the Historic Environment Record has focused on records relating to farmsteads in Hartlepool, and updating the information for Grade II listed buildings assessed during the Heritage at Risk Project carried out last year with the Conservation team.

- 7.3 The team continues to work outside the region generating income through externally financed projects. The major English Heritage funded project researching the Mesolithic period in North East Yorkshire, carried out in partnership with the North York Moors National Park, is also drawing to a close, with the draft of the final report and a popular booklet about the period submitted to English Heritage.
- 7.4 Other external work includes carrying out the assessment of a large flint assemblage from a site in North Yorkshire on behalf of a commercial archaeological contractor.
- 7.5 The Archaeologist (Planning) is currently seconded part time to North Yorkshire County Council to provide maternity cover within their Archaeology Section.

8. EQUALITY AND DIVERSITY CONSIDERATIONS

- 8.1 There are no equality or diversity implications.

9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 9.1 There are no Section 17 Implications.

10. RECOMMENDATIONS

- 10.1 That the Regeneration Services Committee notes the content of the report and the progress made across key areas of the Planning Services Team.

11. BACKGROUND PAPERS

- 11.1 There are no background papers.

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